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FROM *LOCHNER* TO *BROWN* v. *TOPEKA*: THE COURT AND CONFLICTING CONCEPTS OF THE POLITICAL PROCESS

ALBERT A. MAVRINAC

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Lochner v. *New York*[1] still stands as the symbol of the Supreme Court's orientation during the half century from the late 1880s to the middle 1930s, an orientation characterized by many commentators on the work of the Court as individualistic, anti-communitarian and laissez-faire.[2] It has been attacked by the enemies of its assumptions not only as bad law but as dead law as well. Almost forty years ago Thomas Reed Powell was writing that *Lochner* had died without even being mentioned in its own obsequies.[3] Those whose conservative natures might have prompted the suspicion that Justice Peckham's argument for the Court must have had some merit have shied from defending it, dazed perhaps by Holmes' brusque comment that the argument had substituted Herbert Spencer for the Founding Fathers. In the light of American labor history since *Lochner* and against the contrasting measure of the Court's decisions in *Brown* v. *Topeka*,[4] I suggest, however, that the

[1] 198 U.S. 45 (1905).

[2] In his recent edition of a set of *Essays on Constitutional Law*, Robert G. McCloskey seems to have chosen Lochner and the majority opinion by Justice Peckham almost unconsciously as the epitome of a period in the Court's history when it was concerned "with the protection of economic man against governmental encroachment." pp. 9, 84, 91 (New York, 1957). One reason for its symbolic use may be that it marked the first time that the Court, in a case not involving interstate relations, enforced liberty of contract theory against a state enactment based on the police power and in so doing overrode the highest court of a state. Freund, "Limitations of Hours of Labor," 17 *Green Bag* (July, 1905), p. 412. Indeed, it was the first time that the Court had overturned a piece of state protective labor legislation. Elizabeth Brandeis, "Labor Legislation," in *History of Labor in the United States, 1896–1932* (New York, 1935), p. 554.

[3] "The Logic and Rhetoric of Constitutional Law," *Journal of Philosophy, Psychology and Scientific Method*, Vol. 15 (1918), pp. 655–656.

[4] 347 U. S. 483 (1954) and 349 U. S. 294 (1955).

victory really has been to *Lochner;* that any obsequies were premature; and that *Lochner's* premises are deeply-rooted in the American political soil.

I shall argue that *Lochner,* with all its subtleties and complexities, was based on certain assumptions about the way socio-economic relationships in American society should be shaped which proved to reflect the views of the most powerful decision-makers in American economic life. Moreover, it was the channel through which the Court brought to bear upon the decision-making processes in economic, social and political life an active instrument, one which enabled the Court to keep impediments from being placed in the way of the translation of felt needs into social and economic realities in accord with principles based on these views. The Court utilized the device of liberty of contract to encourage the technique of self-government by agreement, and so prevented the transformation of American government into something positive, something making decisions for the good of the community apart from the articulate interests of the community. Government was kept a place where agreements are facilitated and not an independent source of value judgments about the proper conduct of social arrangements.

In the segregation cases, by contrast, the present Court has pursued in more modern form a line of reasoning derived but essentially differing from that advanced by the defenders of labor legislation a half-century ago. Its justification for its intervention has been provided by a newer version of the sociological brief introduced by Louis Brandeis in arguing labor cases before the Court in the years immediately following *Lochner.*

Though the Court's action in *Brown* v. *Topeka* has proved to be the catalyst for social readjustments that have been accompanied by violence such as took place at Clinton, Tennessee, and at Little Rock, strife is not in itself the evidence that the Court has not dealt adequately with an issue. One of the consequences of *Lochner* and of the spirit of *Lochner* was and is tension and conflict in labor relations. Open conflict may be a mark, indeed, of the success of political action in a constitutional society. Rather, I suggest that the measure of the Court's disposition of cases such as these arising under the due process and police power rubrics is: (a) the extent to which the formation of social values and the adjustment of social interests to each other is left to the elements and in the society directly affected; (b) the extent to which the court makes clear to the parties involved and to the other political institutions in American society the mechanical devices, such as liberty of contract, it will insist upon as essential in the process by which these groups reach their decisions and by which these decisions are given the stamp of community acts; and (c) the extent to which the acts of

the Court are conducive to freeing the individual human being of total involvement in the life of one specific interest group—that is, to eliminating the moral issue from politics. Given what I consider are the fundamentals of constitutional doctrine I should say that the Court proceeded more correctly in handling cases that came to it as a result of labor controversies in the early part of this century than it has so far in dealing with cases involving conflicts between the Negro and white interest groups in our own times.

I

Lochner was the first extensive treatment of the relationship of the Court to the bargaining process in industry and to the legislative function with regard to labor relations.[5] The majority's arguments in *Lochner* were the first extension by the Court to the area of labor re-

[5] As Elizabeth Brandeis notes, *op. cit.*, p. 661, prior to Holden v. Hardy, 169 U. S. 366 (1898), the Court had had no chance to take a position on the constitutionality of state labor legislation, much of which dealt with such matters as the form of payment to workers. See for example the leading case of Godcharles v. Wigeman, 113 Pa. St. 431 (1886). Such legislation had been declared unconstitutional when brought before the state supreme courts, and under the Judiciary Act as it stood until 1914 no case could be appealed to the United States Supreme Court if the highest state court had held the act unconstitutional; or to put it accurately, if the highest state court had sustained a claim based on a federal right. In 1914 the Act was amended to permit appeal regardless of whether the state court held the act valid or invalid. 26 U. S. Stat. 1156 and Act of December 23, 1914, Ch. 2, 38 Stat. 790, 2 U.S. Comp. 1916, 1580.

In considering the nature of the Court's activities in the labor relations field, several facts might well be kept in mind: First, the Court was never faced, until just before World War II, with the question of whether a state or federal statute was constitutional which imposed minimum wage scales on the work of adult males (excluding the case of public works employment, where the problem is quite distinct). See H. A. Millis and R. E. Montgomery, *Labor's Progress and Some Basic Labor Problems* (New York, 1938), p. 325. Second, few cases came to the Court over attempts by legislative bodies to impose maximum hour limits on the amount of laboring done by a worker. In so far as legislation of this type did exist, it was either simply legislation declaring the sentiment of the legislature about the proper length of the working week, without any attempt at enforcement, or it was legislation designed (the legislation involved in Bunting v. Oregon, 243 U.S. 426 (1917) is an exception) to apply only to a small number of workers employed by public utilities or in a few occupations like drug-store operation. See Millis and Montgomery, *op. cit.*, pp. 517–518. Third, with a few exceptions, the campaign for minimum wage legislation was led by socially conscious middle-class groups like the National Consumers League and was either actively opposed or given only nominal support by organized labor. E. Brandeis, *op. cit.*, pp. 506–507. Hour legislation for men was likewise opposed by the dominant forces in the American Federation of Labor. These craft unions preferred to rely on collective bargaining rather than on the pleasure of aspiring politicians or "sycophantic" department officials. *Ibid.*, pp. 555 ff. A characteristic example of such suspicion of politicians was expressed at the time of *Lochner* by a member of the Locomotive Firemen's union writing in its journal: ". . . too much legislation enacted in behalf of labor in the United States is subsequently declared unconstitutional owing to some technical error in language or punctuation which is generally intentionally made by the author." *Locomotive Firemen's Magazine* (May, 1905), p. 787.

lations of the liberty of contract concepts that Justice Field and others had been working out within the frame of a particular concept of due process of law,[6] and which state courts and lower federal courts had been applying to labor legislation cases since 1886.[7] The arguments presented for the majority by Justice Peckham were carried over from one labor standards case to another for the next thirty years; and even in Justice McReynold's final trumpet call over the empty battlefield the simple concepts outlined in 1905 remained substantially unembellished.[8] The positions of Holmes and Harlan, the principal spokesmen for the minority, similarly remained substantially the same, at least outwardly. The form, however, came to conceal developments in the thought of each side and made positions seem intransigent which had been so modified that, in fact, they coincided.

It was Holmes's plea in *Lochner* for respect for the legislative process that provided the channel through which the arguments laid out in subsequent labor cases by Brandeis and Frankfurter were integrated with those of the *Lochner* majority, and the "scientific brief" was the mechanism by which the views of Peckham, Harlan, Holmes and Brandeis were reconciled. The scientific brief of the labor cases was a massive collection of scientific opinion and legislative fact.[9] In addition to the testimony of medical men and of sociologists it gave an itemized

[6] See the review of this development and an analysis of its underlying philosophic assumptions in Robert Green McCloskey, *American Conservatism in the Age of Enterprize* (Cambridge, 1951), especially Chapter 4. See also the study by Sidney Fine, *Laissez-faire and the General Welfare State: A Study of Conflict in American Thought, 1865–1901* (Ann Arbor, 1956), *passim*.

[7] See Field's dissent in the Slaughter House cases, 16 Wall. 36 (1873) and his opinion in Barbier v. Connolly, 113 U.S. 27 (1885). At the state level, see the leading case of Godcharles v. Wigeman, 413 Pa. St. 431 (1886); Millet v. People, 117 Ill. 294 (1886); State v. Goodwill, 33 W. Va. 188 (1889); Commonwealth v. Perry, 144 Mass. 117 (1891); Knoxville Iron v. Harbison, 183 U.S. 13 (1901); and St. Louis Iron Ry. v. Paul, 173 U.S. 404 (1889). For a fuller description of these preliminaries see Charles Grove Haines, "Minimum Wage Act for District of Columbia held Unconstitutional," in the *Texas Law Review* (December 1923) reprinted in National Consumers' League, *The Supreme Court and Minimum Wage Legislation* (New York, 1925), pp. 46–67. See also Roscoe Pound, "Liberty of Contract," *Yale Law Journal*, Vol. 18 (May, 1909), pp. 471 ff. and Learned Hand, "Due Process of Law and the Eight-Hour Day," *Harvard Law Review*, Vol. 29, p. 501 (May, 1908).

[8] National Labor Relations Board v. Jones & Laughlin Steel Corp., 301 U.S. 1 (1937).

[9] Muller v. Oregon, 208 U.S. 412 (1908) was the first time that the "scientific brief" was used by counsel in argument before the Court. In Lochner, however, Justice Harlan had set out at great length essentially the kind of data that later were found in such briefs. Some labor spokesmen criticised the way in which the state's case in Lochner had been presented. See the *American Federationist*, which, commenting on the decision said, "We have reason to believe that the case as presented on behalf of the state of New York might possibly have been improved upon, and perhaps with a different result." pp. 363–364 (June, 1905).

statement of pertinent laws and regulations in force in other parts of the world. Expert scientific opinions and legislative facts were set down in a study that tried to relate these findings to a theory of the constitutional process and specifically to the question of when the state was justified in intervening in contractual relations. Accepting contractual relations as the normal form of economic relations,[10] Brandeis and his disciple, Felix Frankfurter, still faced the problem of providing clear criteria to a court by which it could judge whether a legislative restriction on the allowable form of a contract fell within what Justice Murphy later referred to as the "power of the State to set the limits of permissible contest open to industrial combatants . . . in the interest of the society in which they exist."[11] In his brief in *Bunting* v. *Oregon*,[12] for example, Frankfurter argued that scientifically adduced evidence showed the danger to health that existed in certain industrial situations. However, he also justified the application of legislative powers in a situation objectively determined to be bad by pointing to the efforts of "more enlightened managers" to take the very steps necessary to put an end to these evils and to the frustration of their attempts by the failure of some of their colleagues—happily a few—to forego the material advantages of negotiating socially and scientifically undesirable labor contracts.[13] The brief, in other words, attempted to mark out the points at which the intervention of the State was justified by measuring the extent to which those involved in the particular economic activity were willing to adopt the "scientific" solution, and by justifying the state intervention when a few stood in the way of the wishes of the many and of the demands of reality.[14] The legislature was conceived as the instrument not of any

[10] See point four in the brief prepared by Louis Brandeis and Josephine Goldmark and presented to the Court in the October 1914 term in the cases of Stettler v. O'Hara and Simpson v. O'Hara (Nos. 507 and 508), decided as 243 U.S. 629 (1917), in which the Lochner principle was accepted that a law restraining the right to purchase or sell labor would not be sustained if the Court could see that it had no real or substantial relation to public health, safety or welfare, or that it was 'an unreasonable, unnecessary and arbitrary interference with the right of the individual to his personal liberty or to enter into those contracts in relation to labor which may seem to him appropriate or necessary for the support of himself and his family'. See also the discussion of this point from another aspect by Samuel J. Konefsky, *The Legacy of Holmes and Brandeis*, pp. 84 ff. (New York, 1956) which has recently come to my attention.

[11] In the Court's opinion in Thornhill v. Alabama, 310 U.S. 88, 103-104 (1940).

[12] 243 U.S. 426, 433 (1917).

[13] See Albert Kales, "Due Process," in *Yale Law Journal*, Vol. 26 (May, 1917), p. 33.

[14] Elizabeth Brandeis observed that in administrative actions to set the specific minimum wage for women and minors in a given industry under the terms of reference of state statutes, actual cost of living, so far as it could be determined, was only one of the elements entering into the decisions. Prevailing wages, the size of the proposed increases, and their possible consequences on business conditions, she said, necessarily influenced the members of the wage boards. *Op. cit.*, pp. 522–527. It is clear from Miss

vaguely defined "people," but of the "enlightened" members of the community directly concerned because of some particular interest.

Even the minimum wage standards actually prescribed by state administrative bodies for women and minors in this period were the result of the balancing of prevailing wages in the given industry, the size of any increase and the impact an increase would have on business conditions, with the "minimal" needs of the workers despite the standard prescription of the statutes that a minimum wage should be fixed for women and minors which would be "adequate to supply . . . the necessary cost of proper living" and maintain their health and welfare.[15] Most such legislation provided that the actual prescriptions should be made by representatives of employees and employers in the occupation or industry in question, sitting with a public member.[16]

The scientific brief, therefore, was not only an instrument for the expression of scientific judgments and their documentation, but was also an attempt to define the nature of the attitude toward instant problems being taken by the generality of society and specifically by the sections most directly concerned. In terms of its own logic, the brief might very well have gone on to report the extent to which private action had already been taken, and indeed, in the later labor cases, counsel arguing the validity of minimum wage and maximum hour laws did include in their briefs evidence on the extent to which workers were already covered by collective bargaining agreements that provided at least the minimum protection called for by the legislation in question.

Moreover, it is clear that in Frankfurter's case at least, underlying the arguments in these briefs was not so much a desire to see a certain level of wages in force or to lay the groundwork for the further development of trade unionism as a desire to maintain the fluidity of the economic and political order. Behind the stated purpose of remedying the "actual inherent inequality of bargaining power between employers and employees"[17] was an attempt to prevent the organizational crystallization of the American economy.[18]

Brandeis' history of the experience with minimum wage establishment by administrative procedure in several states that "even on the basis of very conservative (personal) budgets which pared expenses to the bone, the minimum wages set in many states did not quite provide for the 'necessary cost of living.' On the whole the standard set up in the minimum wage statutes was not quite attained." *Ibid.*, p. 530.

[15] See Elizabeth Brandeis, *ibid.*, pp. 522–527, 530.

[16] Millis and Montgomery, *op. cit.*, p. 310.

[17] Brief in Stettler v. O'Hara and Simpson v. O'Hara, October Term (1916). See T. R. Powell, "Oregon Minimum Wage Cases," *Political Science Quarterly*, Vol. 32 (June, 1917), p. 306.

[18] Louis Jaffe has noted, in his perceptive study on "The Judicial Universe of Mr. Justice Frankfurter," 62 *Harvard Law Review*, Vol. 62, pp. 357–412, this hesitancy of

On the other hand, when Justice Peckham said he doubted that bakery work was as unhealthy as some arguments before the Court had made it out to be, what he was distinguishing was a general, community health problem which a legislature might attack (a fringe issue for politics) from the problem of the relation between labor and management in more general and more broadly applicable terms.

Peckham did not deny that the legislature might limit the right of a worker to enter into certain contractual arrangements with his employer. He said simply that the common sentiment of the community, so far as he could judge it, did not consider the trade of the baker so much more unhealthy than other trades as to justify legislative intrusion on grounds of protection of health. Intrusion on other grounds he would disallow because the bakers were grown men capable of taking care of themselves.

One can distinguish *Muller* v. *Oregon*[19] from *Lochner* by seeing the controversy in *Muller* as politically unimportant because involving a fringe group of the economy. In *Muller* the matter was a moral one, involving the special protection of women. The Court clearly considered the care of women to be a matter of special concern and attention for the community. Their weaker physical nature justified their exemption from the ordinary organizational struggles of society. The Court evidenced the emotion with which it viewed legislative protection of women when it said in *Muller*, "As healthy mothers are essential to vigorous offspring, the physical well-being of women becomes an object of public interest and care in order to preserve the strength and vigor of the race. . . . The limitations which this statute places upon her contractual powers, upon her right to agree with her employer as to the time she shall labor, are not imposed solely for her benefit, but also for the benefit of all."[20] Justices who were in the majority in the *Lochner* case[21] voted in unanimity with their colleagues in *Muller*.

Between *Muller* and *Adkins* v. *Children's Hospital*,[22] half a generation and the culmination of the movement for women's suffrage in the passage of the Nineteenth Amendment intervened. In his dissent from Sutherland's controlling opinion in *Adkins*, Holmes tried to throw the

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Frankfurter to think in terms of direct ends of the constitutional process. Whatever ends there are, the liberty of the individual, his right to search for happiness, are indirect; the *process* of government and the social *process* are the important things, not the substantive fruits of that process.

[19] 208 U.S. 412 (1908).

[20] *Ibid.*, p. 426.

[21] Fuller, Brewer, Peckham and McKenna. Brown had left the Court by the time of the Muller decision.

[22] 261 U.S. 525 (1923).

reasoning respecting legislation on women's employment back to *Muller* and remarked that it would take more than the Nineteenth Amendment to convince him that there were no differences between men and women or that legislation could not take these differences into account. In his opinion Justice Sutherland does refer to changes in women's political and civil status and to the Nineteenth Amendment and the ability of women to protect themselves in the contractual process.[23] And where Holmes might have concluded that the situation had not really changed and that women were now no more likely to be able to organize for collective bargaining in the classic female industries like laundries and the retail trades, Sutherland seems to have supposed that the suffragette movement had provided women with new organizing methods and with a new political awareness that, in so far as their political and politico-economic situation was concerned, made them not unlike men. Sutherland stressed the importance of the role of organization in the process of determining working conditions, and throughout the opinion there is a clear resentment against a legislative intrusion that gives certain advantages to one party in the economic process with no chance for the other party to present his statement of special circumstances. The statute involved is invalid, for more than any other reason, he remarks, because it exacts from the employer an arbitrary payment for a purpose and upon a basis having no causal connection with his business or with the work the employee engages to do. The ethical right of every worker, man or woman, to a living wage, may be conceded, he says, but "one of the declared and important purposes of trade organizations is to secure it." With that principle and with every legitimate effort to realize it in fact, he did not think anyone could quarrel.

In *Cudahy Packing* v. *Parramore*[24] Sutherland, in the same year in which he spoke for the majority in *Adkins*, gave a hint of his own reason-

[23] Sutherland said, "But the ancient inequality of the sexes, otherwise than physical, as suggested in the Muller case, has continued 'with diminished intensity.' In view of the great—not to say revolutionary changes—which have taken place since that utterance, in the contractual, political and civil status of women, culminating in the Nineteenth Amendment, it is not unreasonable to say that these differences have now come, almost, if not quite, to the vanishing point." To accept the doctrine, he said, that women of mature age require or may be subjected to restrictions on their liberty of contract which could not lawfully be imposed in the case of men under similar circumstances "would be to ignore all the implications to be drawn from the present trend of modern legislation, as well as that of common thought and usage, by which woman is accorded emancipation from the old doctrine that she must be given special protection or be subjected to special restraint in her contractual and civil relationships."

[24] 263 U.S. 418 (1923).

ing process in terms not unlike those of the Brandeis and Frankfurter briefs:

"The modern development and growth of industry, with the consequent changes in the relations of employer and employee, have been so profound in character and degree as to take away, in large measure, the applicability of the doctrines upon which rests the common law liability of the master for personal injuries to a servant, leaving, of necessity, a field of debatable ground where a good deal must be conceded in favor of forms of legislation calculated to establish new bases of liability more in harmony with those changed conditions . . . . Workingmen's compensation legislation rests upon the idea of status, not upon that of implied contract . . . the liability is based, not upon any act or omission of the employer, but upon the existence of the relationship which the employee bears to the employment because of and in the course of which he has been injured . . . Legislation which imposes liability for an injury thus related to the employment, among other justifying circumstances, has a tendency to promote a more equitable distribution of the economic burdens in case of personal injury or death resulting from accidents in the course of industrial employment, and is a matter of sufficient public concern . . . to escape condemnation as arbitrary, capricious, or clearly unreasonable."

Holmes, Peckham and Sutherland were all in agreement that liberty of contract, the bargaining of partners in a contractual process, was fundamental to American society. The differences between them arose from the fact that Sutherland and Peckham tended to concentrate on the impact of the legislative decision on the social structure and on the social and political process, while Holmes seemed to think that where the content of a legislative act, its instant impact on specific members of society, seemed reasonable to reasonable men, the legislature then could just as well be the judge of whether or not the measure should be passed. He was less interested in protecting that process than in protecting the "rights of the law-makers,"[25] even though he was personally doubtful of the possibility of social improvement through government direction.[26]

If one is to judge by the history of labor relations since 1905, the forces led by Brandeis were fighting a great battle on the fringes of the social decision-making process. Change in industrial relations has come about through contractual negotations, as Peckham would have had them proceed.

In the debates on the original Fair Labor Standards Act, for instance,

[25] Quoted from H. L. Mencken, Book Review, *American Mercury*, Vol. 20 (May, 1930), p. 122, by Samuel Konefsky, *op. cit.*, p. 303 n.

[26] *Ibid.*, p. 296.

its Senate sponsor, Hugo Black, made clear that the administrators of the Act would be bound by the spirit of the Act to accord respect to any collective bargaining agreement worked out, even where its terms provided for a wage lower than the minimum set.[27] In the House debates of 1938 on the same Act, another of its sponsors stressed that "this proposed legislation will not improve the wages and hours of the majority of workers, nor does it attempt to. . . . The great majority of workers do not need this legislation," and still another noted that the Act was not "concerned with that fortunate majority of the laboring classes whose collective bargaining power is sufficiently potent to insure the preservation of their industrial rights."[28]

Under the Act, industry committees were set up to establish classifications in an industry for the purpose of setting minimum wages. In doing this the committees were to consider, among other relevant factors, competitive conditions as affected by transportation, living and production costs; the wages established for work of like or comparable character by collective labor agreements; and the wages paid by employers who voluntarily maintain minimum-wage standards in the industry. No regional classification, nor any based on age or sex, was to be allowed.

A similar general understanding of the dominance of an agreement even where it prescribes conditions inferior to those determined by legislation is in the earlier case of *Ft. Smith & Western Railroad* v. *Mills*,[29] where Justice Holmes, speaking for a unanimous court said, "We cannot suppose that (the Adamson Act) was meant to forbid work being done at a less price than the rates laid down, when both parties to the bargain wished to go on as before and when the circumstances of the road were so exceptional that the lower compensation accepted would not affect the market for labor upon other roads."

The strongest statement of the principles of *Lochner* came from organized labor itself just after World War II, when amendments to the Wagner Act were being considered in Congress. The journal of the American Federation of Labor revived the main lines of Samuel Gompers' original theory of the relations between the economy and the state, and recalled an old axiom of early AFL days that "what government gives it can also take way."[30] The AFL Executive Council in a 1947

[27] In the debate of July 27, 1937. Noted by Justice Jackson in his dissenting opinion in the portal-to-portal case, Jewell Ridge Coal Corporation v. Local 6167, United Mine Workers, 325 U.S. 161, 177 (1945).

[28] *Congressional Record*, House Debates, Vol. 83 (May 23, 1938), p. 7310.

[29] 253 U.S. 206 (1920).

[30] Reproduced from *American Federationist* (no date) in the *Cigar Makers Official Journal*, p. 5 (September, 1947).

New Year's Day Statement warned that the major proposals regarding labor relations then before Congress "would usher in a new system of government controls that would prove more oppressive to the American free enterprise system than anything our nation has ever before experienced."[31] A few months later William Green made very clear his opposition to various schemes of compulsory arbitration which were being recommended in the Congress. He called compulsory arbitration "the very antithesis of collective bargaining," and asserted that "collective bargaining is the very cornerstone of economic and political democracy."[32] Even more forceful were the statements of William Hutcheson, head of the carpenters' union. For fifty years before World War II, he said, labor-management relations had been based on collective bargaining. During the war, college professors, attorneys, and other "experts" made rules and regulations "which neither management nor labor understood." The operating principle of the long period of bargaining, he thought, was that men must be free to work or not to work, to do business or not to do business, to accept or not to accept chances. "The element of self-determination, consistent with the will of the majority, must be maintained and preserved, not only in labor relations but also in all other fields of human endeavour where human beings deal with human beings."[33] This is just another way of saying what most of the leaders of the American Federation of Labor had always said about the relationship between labor relations and the government. The State, according to them "is established to care for general political and social problems; but the relations of employer and employee lie outside the realm of politics."[34]

Similarly, Philip Murray expressed the attitude of the Congress of Industrial Organizations when he said, during Senate hearings on the Taft-Hartley Bill:

> (The Wagner Act) has sought solely and exclusively to permit unionization and to make collective bargaining possible. It has dictated no terms or conditions of employment; it does not intervene in any way in the actual determination of the terms upon which the collective bargaining agreement may be reached. It has aimed and attempted only to make certain that the employees, if they so desire, may appear with the representatives of their choice at the collective bargaining table. It has aimed to make certain that the employer and the union meet in the collective bargaining process *and that obstacles to their*

[31] *Ibid.*, pp. 3–4 (February, 1947).

[32] *American Federationist*, p. 13 (April, 1947).

[33] "Legislation Is Not the Answer to Problems of Industrial Relations," in *American Federationist*, p. 8 (March, 1947).

[34] Molly Ray Carroll, *Labor and Politics* (Boston, 1923), p. 79.

bargaining be removed to assure a process of negotiation and agreement. That is all the Wagner Act seeks[35] (my italics).

Ten years later the *New York Times* reported that the most recent effort in Congress to broaden minimum wage coverage, introduced by Senator Kennedy of Massachusetts, was at the point of failure, not so much because of the efforts of opponents as because of the "listless attitude of some proponents."[36]

It was Peckham who seems to have sensed best the prevailing community sentiment about the regulation of labor relations and about the extent to which the social groupings involved could be allowed to reach an understanding over issues and could treat these issues as morally neutral. Peckham tried to prevent any deterioration of the position of the contract as a technique for social change. He was willing, as he showed in *Muller* v. *Oregon*, to give recognition to the power of the legislature to interpret community sentiment in labor matters and to generalize what had already become common. But he was unwilling to accept every decision of a legislative body as a correct statement of the community interest. That community interest had to be demonstrated as already in existence, by the fact of private agreement, before it could be articulated and given the sovereign sanction of legislative enactment. Only, as in the case of women, where the elements involved seemed by their permanent nature to be beyond the possiblity of participating in the classic process of agreement, was he willing to allow exceptions to the principle that legislative action should simply confirm private agreement.[37]

Peckham, too, could very well subscribe to Justice McKenna's statement in *Bunting* v. *Oregon*[38] of the imprecise nature of the legislative and judicial process that the Court accepted as a necessary part of constitutional government:

"... the constitutional validity of legislation cannot be determined by the degree of exactness of its provisions or remedies. New policies are usually tentative in their beginnings, advance in firmness as they advance in acceptance. ... Time may be necessary to fashion them to precedent customs and conditions. ..."

[35] *Hearings Before the Committee on Labor and Public Welfare, 80th Congress, 1st Session, on S. 55 and S. J. Res. 22, Part 2*, Feb. 19, 1947, p. 1136.

[36] P. 1 (July 8, 1957).

[37] The seeming inability of union organization to gain footholds in such industries as the laundry and retail trades with which most of the actual administrative regulation of women's wages was concerned obviously played a considerable part in influencing the justices who eventually formed the majority upholding such legislation. See West Coast Hotel v. Parrish, 300 U.S. 379 (1937).

[38] 243 U.S. 526 (1917).

Of course no analysis of the Court's handling of the labor cases can stop at an exposition of how the Court set up certain criteria about the relationship that must prevail between private action and state action, or of how the scientific brief simply sharpened the tools for analyzing the conformance of certain situations to this model. The Court cannot be seen simply as a group of men quite objectively and detachedly concerned with insuring the fluidity of the political process nor as, in the best Jacksonian sense, ordinary Americans occupying a political position which any American is qualified to occupy. The men on the Court may be all these things, but they are also representatives of particular political and economic attitudes. Presidents appoint congenial men, or at least men they think will be congenial to their point of view. Experience sometimes belies expectations, as in the case of Theodore Roosevelt and Oliver Wendell Holmes. And sometimes history outruns presidents. Then, as in Franklin Roosevelt's case, the President's appointees have no mission to perform that he could have conceived of; united behind him, they are divided when new and unforseen cases come before them.

Because there were men on the Court like McReynolds and Sutherland who thought the old social order was really threatened by a gigantic assault of anti-individualists, whether well-meaning paternalists or socialist planners, it became harder for justices to take in later years the simple positions that divided the Court in the *Lochner* case on the one hand and in *Muller* v. *Oregon* on the other. The men who in those pristine days early in the century had thought that enforcing a moral rule and keeping women from being exploited would not vitiate what they had done a few years before to keep grown men from being strangled by the state's paternal embrace—these men by the 1930s began to see each case as a political case. Moral arguments were now political arguments used in a great battle on whose issue the fate of American society as a free society rested. But when the Court did ultimately rule that the Congress could enact legislation respecting minimum wages, maximum hours, the employment of child labor and other aspects of the employment relationship, it was following the principles not only of *Muller* but of *Lochner* as well; for the terms of the Fair Labor Standards Act were such as labor and employer generally had already agreed to. And the moral sense of the community, when taken with this acceptance by the generality of states (in the case of child labor) and the generality of labor and management, was a justification as well. By 1941, American labor and industry, following the pattern that Peckham and all his like-minded brethren thought ideal, had extended to most of the United States the practices that the social

scientist investigators had found existing in other countries and that the medical investigators thought sensible. The Court had fulfilled its function of insuring the validity of the legislative process and of insuring therefore that the legislative act represented the sentiment of the community. It had insisted on private agreement as the basis for social movement; and it had prevailed. The Court, too, had fulfilled its function of being an arena where threatened interests of more than marginal importance might find a sympathetic hearing. And, consistent with these functions, it had served as a group of sensitive men expressing the moral sentiment of Americans.

In the labor cases, then, the Court, looked at as a whole, hit upon the master-servant contract as the principal instrument for altering the nature of relationships in the economic process. The police power was allowed to be exercised as an adjunct to this process.

II

In the segregation controversy the problem for the Court, I suggest, has been to find an instrument analogous to the contract, which it could defend as the means for bringing about change in the relations between the races, with the Court limiting its own and any superior legislative intervention to the universalization of a situation already generalized. The decision in the line of cases symbolized by *U. S.* v. *Classic*[39] seemed to provide a rough-hewn instrument for that purpose in the form of free access to the formal institutions of government by adult Americans, regardless of race.[40] The pattern of race relations, then, might have been worked out by bargaining within the context of the electoral and legislative processes. The education decisions, however, are markedly different from those in the election cases and suggest a concept of the relationship of the Court to the social process which would have been incomprehensible to most of the justices who sat on the Court in the long line of cases from *Lochner* to *Darby*.[41]

[39] 313 U.S. 299 (1941).

[40] See the last of the original "white primary" cases, Smith v. Allwright, 321 U.S. 649 (1944), holding that persons could not be denied the right to vote in a primary election on account of race or color where the primary election was an integral, indeed determinative, part of the electoral process. Various state efforts to circumvent this rule by trying to impute to parties the qualities of a private club and by other expedients have since also been rebuffed by the Court. See Rice v. Ellmore, 165 F. 2d 387 (4th Cir. 1947), *cert. den.*, 333 U.S. 875 (1948); Baskin v. Brown, 174 F. 2d 391 (4th Cir. 1949); Davis v. Schnell, 336 U.S. 933 (1949), where requirements of understanding and explaining any article of the State Constitution were voided because vague and uncertain; Terry v. Adams, 345 U.S. 461 (1953), where a pre-primary primary excluding Negroes was invalidated.

[41] Missouri ex. rel. Gaines v. Canada, 305 U.S. 337 (1938), Sipuel v. Oklahoma 332 U.S. 631 (1948), Sweatt v. Painter 339 U.S. 629 (1950), McLaurin v. Oklahoma State Regents 339 U.S. 637 (1950), Brown v. Board of Education of Topeka 347 U.S. 483 (1954), and *same*, 349 U.S. 294 (1955).

The most recent decisions, for example, issue mandates to public bodies presumably under the direct or indirect control of the electorate to take certain specific action "with all deliberate speed"[42] on a question that is not only under intensive and continuing discussion within the community but is also a part of a long and controversial pattern of adjustment of different groups in the community to each other. The members of these public bodies are treated by the court in the education decisions simply as executors of Court judgments rather than as co-caretakers of the political fabric and as brokers in the political process.

Moreover, one item in the complex of issues involved in the interaction process of the contending groups, that is, education, has been lifted out of the context of this process and subjected to the scrutiny of the Court in the light of the new moral philosophy, that is, the scientific findings of social relations specialists.[43]

[42] *Ibid.*, at p. 295.

[43] The "sociological" brief, which we may accept as roughly analogous to the old scientific brief of the labor cases, did not make its appearance in any of these significant cases until Sipuel v. Oklahoma. The briefs are similar in form and content, with more or less the same citations of social relations studies in each. Typical is the brief prepared by the American Federation of Teachers as *amicus curiae* in McLaurin v. Oklahoma. Citing such works as Kurt Lewin's, *Resolving Social Conflicts*, and M. Deutscher and I. Chein's, "Psychological Effects of Enforced Segregation," in *Journal of Psychology*, Vol. 26 (1948), pp. 259–287, the brief urges the Court to take into account the scientific sociological conclusion that "at no stage of development should any barriers be erected to prevent the individual from moving from a narrower group to a larger one, particularly barriers of race" (p. 14); and that "any restriction, particularly in the form of segregated and discriminatory schooling, which prevents the interplay of ideas, personalities, information and attitudes, impedes a democratic education and ultimately prevents a working democracy." (p. 17) The brief also asks the Court to note and accept as pertinent to the judicial decision the scientific view that "from infancy to adulthood the most satisfactory personality development occurs when the individual: a) feels he is accepted and wanted by his community; b) secures aid and encouragement in his activities; c) has the satisfaction of contributing to the group without too many frustrating experiences; d) receives the approval of the group or some evidence of recognition." (p. 13) Similar to this is the evidence introduced in the early stages of Brown v. Topeka in the United States District Court. There a line of social relations experts, all with advanced degrees from good universities in this country and abroad testified to the demonstrated ill effects of segregated education on both the minority and dominant elements. The testimony of Mrs. Louisa Holt, holder of the Ph.D. in Social Relations from Radcliffe College, is typical:

> Q. (on cross-examination): You mean it's a bad thing, for example, for a poor boy, because he is poor, the whiplash of poverty makes him work harder to rise higher; that is a bad thing? (sic)
>
> A. I mean that can be at the expense of healthy personality development, self-realization of the most basic fundamental and appropriate kind for that person, and we have plenty of evidence of people who burn themselves out with various emotional or perhaps psychosomatic diseases in whose cases that can be attributed to this overweening striving for competitive success, to overcome feelings of inferiority. (Brown v. Board of Education of Topeka, pre-trial conference, October 30, 1951 in United States District Court for Kansas, p. 173).

When Brown v. Topeka reached the Court in the October Term 1952 the principal sociological brief was in the form of an appendix to the brief of the appellants. Signed

Prior to *Sipuel*, and of course in the case of elementary education, prior to *Brown* v. *Topeka*, the court had relied on the doctrine of equal facilities. So long, that is, as the Court could be shown that the children in question had the space and the kind of rooms and the quality of teachers that other children in the community had, it was willing to allow continued segregation. From the present point of view, this had an advantage for the Court because "equal facilities" constituted a minimum which was generally accepted; which, with greater or lesser sincerity was being applied (sometimes at great expense, as the briefs in *Briggs* v. *Elliott*, one of the companion cases of *Brown* v. *Topeka*, show); and which the Court could insist upon. In *Brown* v. *Topeka* the Court left this secure ground of "equal facilities" which could be measured, and engaged in advance skirmishing on behalf of one of the interest groups. And despite the Court's care to limit its decision to outlawing positive segregation—that is, segregation which was not simply the result of "normal geographic school districting,"[44]—it may well have opened up a whole new range of questions concerning the duties of public authorities in furthering the "life adjustment" process of the Negro child and indeed of other children as well.[45]

In deciding the segregation cases the Court might well have inquired as to whether local law placed artificial barriers to the full and free participation by representatives of negro groups in the bargaining process from which would issue the regulations governing operations. If there were no such barriers, the Court then might have inquired whether there was any obstacle to the maintenance of a fluid society with which it could deal in technical terms that could be understood

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by some of the outstanding students of sociology in this country, it was entitled, "The Effects of Segregation and the Consequences of Desegregation: A Social Science Statement." It characterized itself as a "summary of the best available scientific evidence relative to the effects of racial segregation on the individual . . . a consensus of social scientists." The statement noted that "there are, of course, moral and legal issues involved with respect to which the signers of the present statement cannot speak with any special authority . . . There are, however, also factual issues involved with respect to which certain conclusions seem to be justified on the basis of the available material and scientific evidence." Its conclusions were similar to those in the briefs and testimony noted above. The distinction between these briefs and the earlier ones on labor, which came to show the extent to which a particular legislative or administrative action was already accepted, not by scientists, but by the actors in the process, is evident.

[44] 347 U.S. 483, Note 13, 4 (A).

[45] Witness, for instance, the recent petition of a New York City girl to a court to require the school board of that city to allow her to attend a school not within her normal geographic area which would give her the benefit of association with students not of her race, an advantage not available to her in the school to which she is assigned because the "normal geographic district" happens, it seems, to be almost completely Negro. *New York Times*, p. 1, 16, July 18, 1957. Said the girl's mother, "Patricia will not have a chance to interrelate with other racial groups."

by the pertinent agents in the political and social process. From this a third question would issue, whether the Court should risk preserving or imposing a particular pattern of social or political or economic relations presented as a permanent *desideratum*—that is, whether by trying to preserve the fluidity of the political and social and economic process it should actually risk freezing that process. Should it, in Holmes' words, set itself up as a substitute for the judgment of another entity in the political process which was, in fact, a market place for the striking of the bargains that signified the nature of social relations at the moment?

By not asking these questions the Court, I think, has departed from its role of limiting its discussion of the fruits of the work of local political agencies to political problems. When, in the past, as in the *Lochner* case, the Court has intervened to suggest that the fluidity of the entire social process or of some facet of it was threatened by a particular legislative act, some of the members of the Court have cautioned on the dangers of the Court's preferring one market place to another. But, at least, the discussion was in terms that made the adjustment of social interests to each other in some market place possible. And it is this freedom of social entities to exist and to interact in market places, and especially in those that are established in a political framework, that constitutes due process. The Court has failed to inquire whether the fluidity of the political and social process, which it is the Court's function to maintain, might not be better guaranteed by restricting the Court's intervention to insuring that the unhappy Negro could, if he wished, be represented as such in the political institutions which made the educational decisions.

By not restricting itself to requiring that the existing points of decision-making in Southern political structures be open to all the interests of the South the Court has undertaken to direct the decisions of these agencies of constitutional government. Instead of prescribing a mechanical adjustment that would allow the final decision to flow from the give-and take-of the affected elements themselves in all the forms in which they exist at the several political levels, from the county to the State, the Court has expressed a moral judgment derived from an appreciation of man; and has bound itself to demand of all other political bodies that they act in conformity with this moral judgment, whether they like it or not.

It was moral judgments that Holmes did not want the Court to make (and he thought Peckham was cloaking his economic ancestry in moral garb), just because he thought that either constitutional government could not ultimately be saved by courts from powerful groups within the society who did not agree on moral judgments, or because he

thought that, given a basically sound constitutional society, no problems could arise in it that could be resolved any more easily by a judgment dressed up as an eternal verity than by a judgment directed toward keeping the machinery clear.

It is a long way from Holmes and Peckham to Warren, and I submit that the assumptions about the nature of the constitutional process that seem to underly Warren's opinion in *Brown* v. *Topeka* are not only far removed from Peckham's in *Lochner*, but far removed from the assumption implicit in the thinking of those who laid the foundation of the American constitutional system and their doctrinal forbears.

III

The Founding Fathers' orientation toward an evaluation of the political process as a struggle of economic interests comes out clearly in the debates in the Constitutional Convention and in the *Federalist* writings.[46] Their problem was to draft a system of government which would at once dispel fears that union would jeopardize regional economic interests and at the same time make possible the peaceful adjustment of whatever conflicting demands the operating elements in the American economic systems of the future might raise. And the guarantee of stability, as Madison saw it, would be the great diversity of economic interests that would prevent the formation of anything more than a transitory majority. Such diversity would provide the material foundation for what Arthur Holcombe has referred to as "the natural limits of the power of the numerical majority."[47]

To the regional interests which Madison principally had in mind there have been added in more recent times those functional interests, such as that of the worker or of the member of the board of trustees of a local junior college, which are not primarily associated with a particular regional base, but whose unity comes from common risk and endeavour. The proliferation of these has made still more unlikely the emergence of any large political formations, with stable backing, that

[46] Perhaps the best analysis of the views of the principal drafters of the Constitution is to be found in Arthur Holcombe's *Our More Perfect Union* (Cambridge, 1950), pp. 33 ff. An interesting analysis of these views and the contrasting one of Charles Pinckney is found in Louis Hartz's *The Liberal Tradition in America* (New York, 1955), pp. 83–85.

[47] *Op. cit.*, pp. 23 ff. Madison states the point thus: "The smaller the society, the fewer probably will be the distinct parties and interests composing it; the fewer the distinct parties and interests, the more frequently will a majority be found of the same party; and the smaller the number of individuals composing a majority, and the smaller the compass within which they are placed, the more easily will they concert and execute their plans of oppression. Extend the sphere, and you take in a greater variety of parties and interests; you make it less probable that a majority of the whole will have a common motive to invade the rights of other citizens; or if such a common motive exists, it will be more difficult for all who feel it to discover their own strength, and to act in unison with each other . . ." *Federalist*, No. 10.

might become permanent and intransigent majorities or irreconcilable minorities. This Madisonian concept of a transitory majority based on a diversity of economic interests and whose composition would change from vote to vote so that alignments could not freeze into hostility, is a more elaborate form of the classical liberal doctrine of majority. In the Madisonian perspective, the doctrine of majority, which can be made to seem a frightening threat to liberalism's individualist assumptions (see DeTocqueville and John Stuart Mill) becomes the statement of a simple operating principle.

The majority vote is impossible as a technique of constitutional government unless that last vote by which the measure is passed or defeated is treated as simply a way of concluding the dialogue within society for this time and for this place. The assumption is that hardly any person's vital interests will be adversely affected by this vote and that a resumption of the dialogue will be possible at any time and at any place on which the interested elements chance to agree. In the meantime the vote is an attempt to articulate the sense of the meeting, to give some statement that will be a working guide in relations among the interested parties. But in fact it is assumed that the dialogue continues uninterrupted. Law is not simply the provisions of the statute book but the sense of the day-to-day arrangements made by practical men about practical matters. The majority vote, then, freezes the unfreezable and settles nothing that is not already settled. Where the majority vote does in fact take on the character of finality, as it does for example when the property of private persons belonging to a particular economic group is taken from them without their consent as a group and without compensation, the vote is a statement of a permanent split in society and a contribution to the perpetuation of that split. In such cases the fluidity of the social process has in fact disappeared. A permanent decision has been made which it is expected is not to be recalled. Even more important, in such cases the constitutional requirement which demands that no decision be taken that prevents the next meeting, the reuniting of the same bargaining partners at another time and place to resume negotiations, is violated. The whole constitutional political process is a flux into which imponderables are constantly introduced, with an articulation of an artificial, static construct from time to time for working purposes.[48]

The constitutional process demands of the participants that they do

[48] It is this artificial construct and its articulation that provokes attempts to analyze the constitutional decision-making process in terms of interest groups. In a sound constitutional society such speculation is an analysis of appearances. It is when groups take on a real existence and are not simply artificial entities led by professionals estranged from the nominal membership of the groups that it is possible to look with any meaning on politics as the interplay of these groups.

view each particular decision that is taken in consultation as of no vital significance. There must be a willingness to look on the partners in the bargaining process as reasonable men who, while not given to almsgiving, are not bent on eliminating those on the other side of the table, are aware of the peculiar problems of their opposites and are ready to take them into account in reaching a working decision. What is needed then is charity, a mutual respect and willingness to help in an atmosphere engendered for the purpose of encouraging the greatest amount of individual action, ingenuity, self-help and free personal development possible.

All these requirements have been met in the conduct of labor relations in this country. The free movement of labor and the incentives to a man to move from labor to managing helped to keep labor groups from taking on that real life which they might have taken on had society been less fluid and had workers, for this and other reasons, come to associate their individual development and life with their particular category of "worker." But where the attention of the individual is divided among a number of interests, the advancing of any particular interest in the large social setting will become the responsibility of professionals. This fact, however, at once operates to simplify the life of the citizen in a stable constitutional system and at the same time make possible confusion in analysis and even perhaps in the reaction of an individual to social stimuli.

The turning over of the responsibility for the routine care of specific interests to professional managers affords to the individual that freedom from the distraction of government which is the goal of classic liberalism. But to be rid of this distraction one must will an agent to act in behalf of the several social interests that one is persuaded he has. These agents, however, have their professional theory of what is necessary to transform an organization into reality, and they strive to accomplish that transformation. Where the liberal theory holds that in an ordered society these groups will be nothing but phantoms, lacking any real life or power, the professional is intent on persuading the interest-holders that they should treat this particular interest, among the many they have (and over against their own interests as total individuals) as the really important interest. And all his skills are directed toward distracting the individual as liberal theory would not have him distracted.[49]

[49] The attempt to capture the total loyalty of the members seems to be almost inherent in the nature of union bureaucrats. For an interesting discussion of the motives and ideals of union bureaucrats see Harold L. Wilensky, *Intellectuals in Labor Unions* (Glencoe, Ill., 1956), especially Chapter 7.

No interest group should be allowed to take on an excessive power to dominate. In the best sense of Hobbes' analysis, no group should be allowed the monopoly of the individual's attention. For, to the extent that such a monopoly exists, political order is endangered. Constitutional theory requires of all organs of constitutional government that they discourage the attempt at total absorption,[50] and that where it does exist they prevent the full power of the organized interest from being exerted.

The premise of Hobbes, Locke and Madison was that a man is free only to the extent that (assuming he is not a professional politician) he is apoliticized, that is, freed of the burden of making governmental decisions or of concerning himself with the political process. This means also that it is the function of leadership in a constitutional order to so operate the political mechanism that political institutions never become arenas within which titanic clashes take place over questions so framed that men see their whole existence as free men dependent on the outcome. When men see a question through the perspective of only one of their interest facets, that question has become for them a moral, an absolute, rather than a political question. It is the task of constitutional leadership to keep the questions of politics so framed that no man will know where his interests lie. A missionary zeal in behalf of the underprivileged—whether seen as Negroes, workers or migrant farmers—such as some of Franklin Roosevelt's appointees to the court—notably Black, Douglas and Murphy, possessed, is not compatible with this true function of democratic leadership. Justice Byrnes' opinion in *Edwards* v. *California*[51] is still abhorrent to those who do not like to see men treated in politics in the same category as cattle and who balk at the idea that the apoliticizing of the individual is a good thing. Yet in terms of classical liberal theory this bracketing of the movement of men under the interstate commerce rubric was proper and required. To act judicially or politically in terms of a concept of an ordered society which views men in the limited terms of one facet—their color, their race, their religion or whatever—is to try to structure that which cannot be structured and is to try to categorize human beings whose very nature precludes their being bracketed in social terms except as unclassifiable, autonomous, multi-faceted human beings whose social side is only one part, and a minor part, of their being.

The political as well as the economic process in liberal theory, then,

[50] Here is the theoretical support for the Congressional restriction on political contributions by labor unions and for investigation to insure democratic operation of labor union government.

[51] 314 U.S. 160 (1941).

is the give and take of professionals who speak in the name of their respective interest associations. The assumption that liberal theory makes is that none of these professionals can know for certain how many of his nominal supporters will back him in his demands made in their name, nor how far. Certainly, the assumption is that he will not have their complete support either in numbers or, as to any significant number of them, as individuals. The primary function of the legislature, the executive and the courts is to act in behalf of the common good by insuring that the rise and fall of interest groups in influence *vis-a-vis* each other is not the product of any artificial intervention of the state authority and that the conditions are present in the society for the entrance of new associations into the arena having some chance of survival. The task of all these political agencies is to deal not with content but with the fabric of government. The content must be left to the parties involved.

The principles of due process require therefore that the governmental system be fluid, that the points of access to the decision-making process be kept open, and that arbitrary and artificial force be not used to strike down old and established groups or to thwart the blossoming of new and budding ones. Due process also demands, however, that the particular interaction of groups, the demands that the group bureaucracy makes, take place within that frame of current common agreement which the occupier of public office in a democracy interprets. The negative way of saying this is that governmental activity should not consist of dictates enforced by police authority on unwilling groups. The realm of action within which the police power of the state is exerted is therefore the result of agreement, through their functional representatives, of all those persons concerned in a particular situation. Whatever the metaphysical sources of particular attitudes toward what the life of the community should be or should not be, those in whom the executive authority of the community is vested have no power to move except in terms of the common agreement. Each generation interprets for itself what is necessary to the maintenance and strengthening of the life, liberty and health of its members in all their many individual capacities. The expectation accordingly is always that the police power of the community will be simply a set of known channels through which individuals pass their activities for scrutiny as agreed upon. Particular individuals whose conduct in some respect does not conform to their agreement, as expressed by their agents, may be brought to book.

But given all these premises about the relationship of the police power to due process, it is not conceivable that the police power can

be used to compel whole groups of individuals to submit in some particular aspect of their individuality to the demands of a decision in which they have not acquiesced. Police power, like any other power of constitutional government, does not exist apart from common agreement, and the attempt to decree in terms of "right," whether the right of natural law or of sociological science, can itself limit the scope and nature of the bargaining process in an arbitrary, meaningless and unconstitutional manner.

Government then is the area of persuasion and not of force, the constitutional assumption being that no man can point to a justification of force except that of the agreement to be coerced if an agreement is broken. And the test of due process is whether there is that free participation in the decision-making process by the affected groups, that is, whether the individuals with a certain common facet of individuality can intervene in the political process. When any institution of government undertakes to coerce large segments of society into patterns of action to which they have not agreed, it is not using the police power. In terms of an absolute moral standard dictating the true nature of personal relations, that governmental institution may be on solid ground, but any institution in a constitutional system when faced with an immediate moral question, has the task of resolving that question in the manner most consistent with the maintenance of a fluid, unstructured social and economic order.

The segregation controversy is evidence that within the frame of a national agreement on politics as a whole particular disputes may arise that do in fact absorb the total attention of certain individuals in the society. Such disputes are outside the normal ambit of the constitutional process. The police power is relevant to aberrations from the agreed-to norm. What is presumed is that the errant element really did agree directly or indirectly to the general agreement made, but has since decided for reasons of its own to act contrary thereto. But the police power cannot be applied to situations where there was no such prior agreement and to areas where the disputes are of this "moral" type. The problem for the leadership in the constitutional system then is how to cause a transformation of the dispute from a moral one to a political one; that is, in effect bringing it into the constitutional sphere. Put in other words, the problem is to destroy the real, living interest groups that have come into being and eliminate them from the political arena. The problem for the constitutional leader is still not that of imposing his own personal values upon other men and of dictating their relationships, but of finding the mechanical means by which no man's interest will be artificially kept from being represented in the bargaining

area that is the political process. It is how to set up machinery that will encourage that diversification of interests and that fragmentation of the individual, with its resulting tensions within him over what the proper political decision is, that liberal theory assumes is the desideratum. In the end what he really must do is insure that every interest group has access to the political arena. From the political point of view this free access and this voluntary acquiescence in the agreements that will govern the conduct of men as members of a particular interest group is what constitutes due process.

It is clear to me that the underlying philosophy controlling the Court's attitude toward the nature of the American political process and its own role in that process has undergone a vast change in the last half-century. Between what I have suggested is the unanimity of *Lochner* and the unanimity of *Brown* v. *Topeka* a revolution has somehow quietly taken place. This is not the occasion on which to inquire into the origins of that revolution or the details of its movement through the work of the Court. All I have tried to say here is that *Brown* v. *Topeka* takes us far from the concept of the political process of which *Lochner* was the issue and which, I think, subsumed the basic American ideas on the nature of our constitution.

THE SUPREME COURT AND GROUP CONFLICT: THOUGHTS ON SEEING BURKE PUT THROUGH THE MILL*

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In the fashion of fellow Young Burkes who are challenging liberal folkways in areas from civil-military relations[1] to free speech,[2] Albert Mavrinac offers here a prescription for Supreme Court supervision of group conflict in America. At the outset, it is fitting to pay tribute to his intellectual fortitude. To embrace Lucifer, *Lochner* v. *New York*, and, in the same article, to condemn St. Joan, *Brown* v. *Board of Education* (in the latter case virtually in the midst of the beatification ceremonies), and to strike this stance in the presence of a constitutional law fraternity strong in its liberal piety—this is indeed a profile in academic courage. I take it that my assignment as commentator in this REVIEW is to discuss what there is besides courage to support his revisionist credo.

My initial reaction was that Mavrinac had written an interesting essay about wisdom for legislators: it hardly seemed possible that an analysis of judicial standards should lack discussion of the integrity of the judicial process itself and focus so sharply on extra-court considerations. Having persuaded myself that a consistent theory of judicial review must lie in the interstices of the argument, I re-read it. At that juncture, it seemed to me that the proper answer to make was the following three-point outline, from which any political scientist could weigh the contentions and select a position in keeping with his own constitutional outlook.

First, *Lochner* was eventually discredited and *Brown* enunciated because of a clear national consensus in our era as to the role of the federal judiciary in passing upon state legislation. This consensus holds that state legislators should be left fairly free to regulate the terms of economic conflict, according to a standard of public interest arrived at in the political process. However, state action imposing legal discrimination against minority groups on the basis of race, even if imposed by a majoritarian political process, is not entitled to respect by the federal courts. (It should be noted that no similar national consensus exists as to the role of the federal judiciary in cases of state civil liberty limitations.)

Second, Mavrinac's argument boils down to the belief that, in order to allow conflicting groups to fight "their own" battles to a truce in private wars, "government" should not "intervene" prematurely. This would have the effect, in situations such as those in *Lochner* and *Brown*, of having the court thwart local

* I must apologize that six pages of mathematical formulae supporting the arguments made in this reply were tragically misplaced and could not be located in time for printing with my article, as were also my data on the application of Boolean algebra to judicial consideration of the segregation issue.

[1] Samuel P. Huntington, *The Soldier and the State* (Cambridge, 1957).

[2] Walter Berns, *Freedom, Virtue and the First Amendment* (Baton Rouge, 1957).

majorities in economic affairs while upholding them in racial discrimination matters.

Third, while Mavrinac has Everyman's right to engrave his own tablet of preferences, he has left unimpaired, even untouched, the classic justifications for the present judicial rule: the social impermissibility of large-scale labor or racial conflict in a fluid society already over-prone to violence; the necessity for a democratic rationale for judicial review in an era of legal realism; and the substantial dangers of transferring the measurement of "community sentiment" from legislatures to courts.

Since such a short reply might be construed as discourteous, and since any essay which has footnotes, cites the Founding Fathers, and praises the group basis of democracy is entitled to reply-footnotes, a contrary gloss on the constitutional text, and a few words in defense of Leviathan, I proceed to the lists for full combat, after a summary of Mavrinac's main contentions to set the contest.

Mavrinac defends the *Lochner* doctrine of liberty of contract as a useful "mechanical device" by which the courts kept open the process of group bargaining in labor relations at the beginning of the twentieth century. By requiring "private agreement" before the state could intervene constitutionally, the Supreme Court prevented legislatures from "misinterpreting" community sentiment in labor affairs. Organized labor's statements in favor of private collective bargaining and wage-and-hour developments between *Lochner* and 1940 are developed to support the main contention.

In the public school segregation controversy, Mavrinac condemns the Supreme Court for taking "one subject"—education—out of the context of intergroup bargaining and for engaging in "advance skirmishing on behalf of one of the interest groups." In place of the *Brown* approach and the new form of Brandeis brief, Mavrinac says that the Court should have continued to insist upon real equality in separate facilities and to emphasize the right of Negroes to vote in the South. From this, he thinks, private group adjustment of the educational segregation issue would have evolved.

A final section of the article, underpinning the whole structure, expounds what Mavrinac believes the Founding Fathers meant by majority rule and group conflict. While this is refracted through a rather ornate stained glass window, his basic point is that Madison believed majority decisions could only be transitory, settling just what the interest groups freely submitted to and binding groups only until the next vote-taking. According to this theory, courts must lubricate the channels of group adjustment. When judges "impose" solutions on the parties or tolerate legislative "impositions," the machinery of democratic change is clogged. Thus, Mavrinac concludes, for the Supreme Court to have a "missionary zeal in behalf of the underprivileged—whether seen as Negroes, workers or migrant farmers," is a violation of the "true nature of democratic leadership."

Let us see.

I

The Supreme Court's blunder in *Lochner* v. *New York* was not the majority's refusal, in 1905, to jump two decades of social thought and accept Holmes' skeptical defense of sweeping legislative prerogative. The misstep was in rejecting Harlan's view that liberty of contract should be *continued* as a flexible concept permitting much majority-rule regulation of the new industrial capitalism.[3] Contractual liberty had reached a crossroad with *Lochner*. As a venerable Anglo-Saxon private law doctrine, it had never been a rigid bar to state supervision of contract-making, and legislative interference on behalf of minors, the feeble-minded, or persons standing in positions dependent on the fair dealing of the other party had long been accepted by American courts as sound public policy.[4] The same flexibility had been applied by the Supreme Court to industrial contracts; for example, in decisions upholding legislative hour-fixing for employees of a private contractor working on city contracts[5] and for adult males engaged in hazardous employment such as mining.[6]

[3] The papers of Justice John Marshall Harlan, which are currently in this writer's possession for the preparation of a biography, indicate that the Court originally voted 5–4 to *sustain* the New York bakers law. Justice Harlan wrote his opinion as a majority statement, only to find that one Justice had changed his mind between the time of the original conference and the final vote. Harlan made only minor changes in his draft and submitted it as the dissent of Harlan, White and Day. See also Charles Henry Butler, *A Century at the Bar of the Supreme Court of the United States* (New York, 1942), p. 172.

[4] For a good summary of the restraints placed upon freedom of contract in cases of infants, married women, violations of licensing requirements, speculation, insanity and drunkenness, contracts in restraint of trade, contracts made on Sunday, violations of positions of trust, fraud, and contracts to accomplish immoral objects, see the 1887 treatise, Joel Prentiss Bishop, *Commentaries on the Laws of Contracts* (Chicago, 1887), Sections 467–549.

[5] Atkin v. Kansas, 191 U.S. 207 (1903). In upholding this municipal 8-hour work day as within the power of the state, the Court said as to the claim that the provision interfered with the liberty of employers and employees to contract themselves: "The responsibility [for setting the limits to contractual freedom] rests upon legislators, not upon the courts. No evils arising from such legislation could be more far reaching than those that might come to our system of government if the judiciary, abandoning the sphere assigned to it by the fundamental law, should enter the domain of legislation, and upon grounds merely of justice or reason or wisdom annul statutes that had received the sanction of the people's representatives. We are reminded by counsel that it is the solemn duty of the courts in cases before them to guard the constitutional rights of the citizen against merely arbitrary power. That is unquestionably true. But it is equally true—indeed, the public interests imperatively demand—that legislative enactments should be recognized and enforced by the courts as embodying the will of the people, unless they are plainly and palpably beyond all question in violation of the fundamental law of the Constitution." 191 U.S. at 223.

[6] Holden v. Hardy, 169 U.S. 366 (1898). The Court's opinion noted: "The enactment does not profess to limit the hours of all workmen, but merely those who are employed in underground mines, or in the smelting, reduction or refining of ores or metals. These employments, when too long pursued, the legislature has judged to be detrimental to the health of the employees, and, so long as there are reasonable grounds for believing that

The question presented in *Lochner*, then, was whether the Court would affirm its general rule that the legislature defined the conditions which required limits upon contractual freedom, leaving a grey area between valid and invalid definitions policed by the judiciary under a "reasonableness" standard.[7] Alternatively, the Court could erect a stone barrier to "creeping paternalism," based upon the Justices' own judgment as to the health and public welfare aspects of 12 to 15 hours in front of bakery ovens or in slaughtering pens or laying railroad ties. The legislation actually involved in *Lochner* was a comprehensive code for bakery operations, not just a piece of maximum-hour legislation.[8] Its main provisions dealt with construction and maintenance of bakery facilities, adequate drainage and plumbing, and safety measures. To prevent unsanitary conditions in a food producing industry, the law established a public inspection system for bakeries. And, based upon facts gathered as to the abnormal disease rate and early deaths of bakers, caused by overlong exposure to heat, inhalation of flour dust, and night labor, the law included a ten-hour daily work maximum.

The Peckham majority read this law as a thinly disguised attempt to regulate in behalf of bakers as workers, not as a health measure at all. In their judgment, nothing in the work of the baker was more unhealthy than that of the "printer," "carpenter," and "banker." Thus the Peckham majority insisted upon reaching one of the largest *political* issues of the day: whether working men in a newly industrialized America should be treated as having a bargaining position with employers comparable to that in the Jacksonian age, when liberty of contract

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this is so, its decision upon this subject cannot be reviewed by the Federal courts. . . . The legislature also recognized the fact, which the experience of legislators in many States has corroborated, that the proprietors of these establishments and their operatives do not stand upon an equality, and that their interests are, to a certain extent, conflicting. The former naturally desire to obtain as much labor as possible from their employees, while the latter are often induced by the fear of discharge to conform to regulations which their judgment, fairly exercised, would pronounce to be detrimental to their health or strength. . . . *In such cases self-interest is often an unsafe guide*, and the legislature may properly interpose its authority . . . [T]he fact that both parties are of full age and competent to contract does not necessarily deprive the State of the power to interfere where the parties do not stand upon an equality, or where the public health demands that one party to the contract shall be protected against himself." And, contracts between buyers and sellers could be regulated by the government to guard against improper labeling and impure goods, even in the *Lochner* era, and despite the classic *laissez-faire* principle of *caveat emptor*. See Hutchinson Ice Cream Co. v. Iowa, 242 U.S. 153 (1916) and Corn Products Refining Co. v. Eddy, 249 U.S. 427 (1919).

[7] That the Harlan position, as distinguished from the Holmes view, would not invariably uphold state police power but had some traditionalist "sticking points," is shown by Coppage v. Kansas, 236 U.S. 1 (1915) and its parallel federal situation, Adair v. United States, 208 U.S. 161 (1908), both striking down statutes making it a crime for the employer to insist upon a term in the industrial contract that employees would resign from a union if a member and not join one during the contract term.

[8] N.Y. Laws 1897. Chap. 415.

had been defined. The Holmes and Harlan dissents stated that it was a gross impropriety for the court to reach this issue. For Holmes, this was a matter of ideological respect for dominant opinion as long as it was not capricious. For Harlan, this was a law within the settled exceptions to contractual liberty, particularly as Harlan could cite factual data indicating the special unhealthiness of bakery work, to show that New York legislators had not been unreasonable in singling out this trade.[9]

In this real-world context of *Lochner*, let us turn to Mavrinac's defense of Peckham.

To begin with, Mavrinac evidently thinks that the legislative process in the United States has nothing to do with group conflict at all. In his perspective, legislators are free-wheeling Philosopher Kings, acting without reference to group interests, disturbing the wondrous (eventual) harmony of inter-group relations, and adopting radical solutions which lack "community" approval. The prime difficulty with this position lies in Mavrinac's undefined terms "group" and "community."

He employs "group" as though it applied meaningfully to any collection of people having some common interest. Yet it is a political scientist's commonplace to observe that all "groups" are not the same. There are what might be termed "base groups" into which a person is born (women, Negroes), or places himself or remains at will (Mormons, vegetarians), or is installed by his relation to work (machinist, doctor, employer), or by life's progress (blind, veteran, aged). We also have "association groups," in which some or all of the base group combine to achieve goals in the political process. Some association groups may speak for virtually all of the base group (American Indian Association, American Federation of Letter Carriers). Several association groups may compete and represent disagreeing sections within the base group (craft and trade unions in 1925, Zionists and the American Council for Judaism, the American Bar Association and the National Lawyers Guild in the 1930s, the American Legion and the American Veterans Committee). There may be a single association group but substantial unorganized opposition as to some or all issues affecting the base group (the American Medical Association, the United Mine Workers on John L. Lewis' presidential endorsements, the White Citizens Council in Clinton, Tennessee). And there may be base groups without an association group to speak for them at all (Southern tenant farmers, migratory fruit pickers, the white collar middle class, consumers).

[9] Harlan's discussion of the unusually unhealthy character of bakery work, from treatises on workers' diseases and the Eighteenth Annual Report of the New York Bureau of Statistics of Labor, was followed by a survey of workingmen's hours in other countries, the comment that the New York law took a "middle ground" between the number of hours which labor demanded should be set and the number employers wanted, and a recognition that Congress and "nearly all of the states" fix work days in certain trying occupations and that the majority of these laws set eight hours as the maximum—all offered in defense of the reasonableness of New York's legislation.

Mavrinac has no time for such distinctions. He wants "groups" to clash and would let them set the solutions for legislatures and courts. That this will not always represent the majority wishes of the base group, or may harm one segment of the base which is organized in opposition to the most powerful association group, or that two association groups truly representative of their bases can conclude an agreement which will injure a third base group (or the public) very badly—these considerations cannot intrude into the simplistic group-struggle theory that Mavrinac adopts. If union and management agree to bar Negroes from brakemen's posts,[10] Mavrinac's theory must be that the state cannot intervene, since there is no such element as a public standard of interest.

Much the same confusion appears with Mavrinac's resort to the word "community"—"prevailing community sentiment," the "community interest," "the moral sense of the community." For a continental, federal, industrial, heterogeneous and multi-stocked America, this unitary label tuned to Sparta and Monaco, as Mavrinac uses it, is a distinctly slippery guide. Legislators do not know it—see *Lochner*. Courts do not know it when "groups" do not define what it is—see *Brown*. Judges do know it when they insist upon retaining the *status quo*. It should not take further discussion to see that Mavrinac has used "community sentiment" in such a way that he has side-stepped the critical questions of "how much community sentiment is required for a given action?" "who determines community sentiment?" and "how do we correct mis-assessments of community sentiment by one branch of the government?" In their place, we have only the formula that courts which ratify group agreements are registering community sentiment *by definition*.

The problems raised by such unguarded use of "group" and "community sentiment" can be further explored if we pass to Mavrinac's three laws for judicial review of state police power. His first law is that courts, in supervising social conflict, should inquire whether the values and solutions were "left to the elements in society directly involved." This denies, as Mavrinac uses it, that elements like other producers, consumers, the national economy and political stability are "directly involved" in a labor dispute. It denies the right of the majority to resolve conflicts and force mediate solutions upon occasionally unyielding parties. I had thought, with Madison, I submit, that legislatures (and, to mention a part of the democratic process which Mavrinac does not discuss —executives) were exactly the forums where association groups were to air their conflicts when these ceased to be soluble in private: airlines versus truckers, landlords against tenants, Catholics and non-Catholics on a birth control law. Indeed, hardly a law affecting the vital interests of any powerful association group in our society are enacted unless that association group sponsors or consents to it. When the will of association groups is not accepted it is usually because an aroused public opinion has convinced legislators that majority interests are endangered by the *status quo* or that the particular association does not really represent the base group's desires. To read the *Lochner* decision as a

[10] Brotherhood of Railroad Trainmen v. Howard, 343 U.S. 768 (1952).

useful rule because it sets an island of industrial conflict off from the mainland of American politics is to make a virtue of what most commentators would see as an unrelieved vice—that our nation lagged two decades behind every other industrial nation in its social legislation.

This leads to Mavrinac's second rule, that courts should construct "mechanical devices" to supervise the group bargaining process and that compliance with such devices should be a prerequisite to valid legislation. It is rewarding to recall that liberty of contract was invoked by the Peckham-Sutherland forces not simply to prohibit legislative "tampering" with hours and wages but also to forbid various legal measures in aid of union organization.[11] Contractual liberty joined such common law doctrines as the labor injunction, "fair return" on investment, and the "business affected with a public interest" rule, as once flexible tools which the Court used between 1900 and 1936 to stake industrial relations to a pre-industrial, pro-management *status quo*. The conservative court majorities thus rejected the Holmes-Harlan-Brandeis plea to have the court preside impartially at the birth of social capitalism, as the court had done in the case of workmen's compensation laws reversing 19th century negligence rules.[12] Rather, *Lochner* marked the opening of a broad attack upon child labor laws, national regulation of trusts, anti-injunction statutes, and anti-depression measures. It seems strange to describe as "mechanical devices" a set of doctrines which forced inter-group struggles to be waged completely in terms which favored one of the parties. It is useful also to speculate on the utility of devices which forbid even minimum standards from being set to the group bargaining process. Ten hours per day was hardly labor's demand, even in 1905. The cry was for an eight hour day. This means that primary bargaining would have gone on, if *Lochner* had accepted majority feeling that hours over ten were socially harmful, and that the parties would not have had the heart of their relations set for them. So also with minimum wage laws. Having brought conditions to the minimum which social justice was held by the majority to require, legislators intended to and did leave the parties themselves to settle additional standards. This is the real meaning of the F.L.S.A. legislative history cited by Mavrinac, not the conclusion that minimum standards for disadvantaged workers (*e.g.*, in the South) were not necessary. Neither can I accept the idea that private bargaining was what brought labor's victories in the 1930's. Without the Wagner Act, labor would have had a bloody time. Yet before the "switch in time which

[11] Coppage v. Kansas, 236 U.S. 1 (1915).

[12] New York Central R. Co. v. White, 243 U.S. 188 (1917): Mountain Timber Co. v. Washington, 243 U.S. 219 (1917). In the New York Central Railroad case, the Court noted: "[We] recognize that the legislation under review does measurably limit the freedom of employer and employee to agree respecting the terms of employment, and that it cannot be supported except on the ground that it is a reasonable exercise of the police power of the state. In our opinion it is fairly supportable upon that ground. And for this reason: The subject matter in respect of which freedom of contract is restricted is the matter of compensation for human life or limb lost or disability incurred in the course of hazardous employment, and the public has a direct interest in this as affecting the common welfare." 243 U.S. at 206.

saved nine," it seems clear that the Peckham-Sutherland philosophy would have branded enforced bargaining as a violation of free contract and the supervision of management maneuvers as "paternalism." In fact, Mavrinac swallows very easily, given his position, the government intrusion into the areas of employer free speech, access to records, company unions, and picketing which marks the post-1937 court approach. Justices Butler and McReynolds, knowing what they had meant by liberty of contract and just what sort of social process they had intended it to serve, made no such rapprochement with the NLRA.[13]

Mavrinac's third law, that courts must act to free human beings from "total involvement in the life of one specific interest group," is so contrary to his analysis of *Lochner* and *Brown* that it seems to have been inserted into this discussion by mistake. Apart from the debatable conclusion that American laborers are or have been "totally immersed" in the life of unionism or that Negroes are "totally immersed" in the NAACP, the fact is that Mavrinac's rule would increase rather than decrease association group commitments. Which would bind a worker more fully to the CIO: a judicial rule that hours and wages must be won by union struggle only, or a rule which permitted the larger political process and the party system to deal with these issues? Which would drive a Negro to racial politics more completely and cut him off from white society more angrily: a judicial policy which ordered gradual desegregation at all places, including schools, with the courts, the President, and eventually Congress supervising the progress, or a decision that Negroes must resort to their own group political power to force revision of the white man's code in white-dominated politics?

At least as important as all of these reservations about the Mavrinac code for judges is the question of his sensitivity to the proper institutional roles for legislatures, executives, and courts in our system. One lesson of American constitutional history is that attempts by the courts to take issues out of politics or to settle them by insisting upon one substantive solution or a single process have been sharp stumbles in the march of judicial review. The Dred Scott case; the Sugar-Trust, Income Tax and Debs Contempt Conviction cases of 1895; *Lochner*, *Carter Coal*, and the *Butler* cases—and others—might be listed as examples of over-reaching by judges. The reasons why such decisions injure the democratic process are many and varied. They help to push groups having deep economic and social grievances out of two-party politics, since the victories won at the polls and shepherded through the administrative gauntlet are upset

[13] The change in theory which Mavrinac says took place between Adkins and West Coast Hotel does not emerge from a re-reading of those opinions. It would be hard to write a more direct repudiation of the Peckham-Mavrinac reasoning than Hughes penned in West Coast Hotel: see his discussion of inequality of bargaining position and of public interest in private contract matters, West Coast Hotel Co. v. Parrish, 300 U.S. 379, 398–400 (1937). That labor unions can be found by the majority to be operating in a way which imperils the public interest, and that legislation regulating them will be upheld by the courts under the post-Lochner doctrines is indicated by Lincoln Federal Labor Union v. Northwestern Iron & Metal Co., 335 U.S. 525 (1949). American Federation of Labor v. American Sash & Door Co., 335 U.S. 538 (1949).

in the federal courts, agencies beyond normal political reach.[14] By forcing legislators to cut and sew major social measures according to an unduly constrictive constitutional pattern, such decisions frequently lead to inadequate and inequitable legislation. And, when the court goes beyond what the late Justice Robert Jackson called its function of holding the great balances of American government, this encourages judicial intervention in other areas and carries judges ever further in their role as super-legislators. That groups should contend for their goals and that society should let them set their own destinies is a fine beginning for democratic government. But when labor and management, Negroes and whites, or any other set of interests being to inflict wounds on the majority by their clashes and their inability to agree, then I think it is a dangerous rule which has courts forbidding the majority to heal itself.

A final paragraph may be useful to bring together my comments on Mavrinac's terms and his rules for judicial review as these apply to contractual liberty cases. In his basic outlook, Mavrinac has abiding faith in the power of judges to know community sentiment better than legislators. He does not want to maintain that this is so because judges are "wiser" or because the judicial process produces "truth" better than the legislative process. So when we come down to hard facts, Mavrinac is saying that judges are better equipped to discern *majority* ("community") sentiment. This, it seems to me, is an attempt to have the best of both worlds, a Platonic judiciary which rests upon majority wishes. To shift philosophers and put this into meter:

> My trouble with these American Burkes
> Is that, with all their other quirks,
> They try to scale the final hill
> Perched astride a General Will.

II

In the educational segregation cases, the Supreme Court measured "community sentiment" and used this as a bar to local police power laws, the same operation it performed in *Lochner*. Alas for the Justices, they still do not find favor in Mavrinac's eyes. Since it seems to me that the Court was right in *Brown*, because of a situation distinguishable from the *Lochner* circumstances, let me try to point out the critical differences.

The essential element in *Brown*, missing entirely from *Lochner* (and from Mavrinac's discussion as well), is the issue of federalism. The court in *Brown* followed the general technique of *Plessy* v. *Ferguson*,[15] which had sought out the community understanding of what constituted equal treatment as guaranteed by the Fourteenth Amendment. *Plessy*, it will be recalled, after the usual bow in the direction of the Framers' intent, had held that segregated facilities were not necessarily unequal since reasonable men did not understand state-enforced separation to create a mark of inferiority; the fact that some Negroes might so

[14] See Alan F. Westin, "The Supreme Court, The Populist Movement, and the Campaign of 1896," *Journal of Politics*, Vol. 15 (1952), p. 3, and *passim*.

[15] 163 U.S. 537 (1896).

regard it was dismissed by the *Plessy* Court as over-sensitivity. This was, it should also be recalled, an accurate reading of both local and national majority feeling in 1896, when the North had become bored with "Negro strife," the romantic *ante-bellum* South was enjoying a literary vogue, Southern political power had been restored in Washington, and the national eye was turned toward imperial adventures following which brown and black peoples would be ruled as inferior wards of the white man.[16] The holding of the *Brown* case in 1954—independent of the single unguarded sociological footnote which so many commentators, like Mavrinac, mistake for the decisive point—was that the Court now finds national understanding of racial separation to have changed since the *Plessy* days. Two world wars, one depression, the breaking of white Anglo-Saxon political power, and a desperate cold war have altered the attitude toward separate-but-equal facilities, and "equal protection of the law" must be defined in this contemporary context.

On what does the Court rely for this measurement of community sentiment? Partly this seems to have been an assumption by the Court that segregation was so clearly regarded as discriminatory by national majority opinion that the question was not a question at all. Partly it seems to have been colored by the positions taken by national political agencies. The record of presidential action in the field of racial segregation between 1944 and 1954 was unmistakable: both the Truman and Eisenhower Administrations had used commissions and executive orders to wipe out separate facilities wherever the president had authority to intervene, from military camps to government restaurants in Washington to contractors securing government orders. The national judiciary had been equally active in such matters as racially restrictive covenants, voting, union membership, definitions of state-action, and the like. All that was missing for a perfect justification for judicial intervention on behalf of national sentiment was a clear legislative mandate; and this was lacking, as the court and the nation well knew, because of the stranglehold which one section of the country, with a one-party system, had upon the Congressional windpipe. In this situation, the court found itself with a problem discussed in Justice Harlan Stone's famous Carolene Products footnote:[17] a clog in the democratic process. To unblock this stoppage—indeed, to free the very forces which Mavrinac would like to see at work in our society—the Court had to define the national sentiment, make it a matter of judicial notice, and place it in a position superior to local majority will.

This is, let no one think otherwise, a troublesome point for anyone who seeks to be true to the philosophy of the *Lochner* dissents. The *Brown* Court would not have been justified, I submit, had there not been the unrepealed, broad mandate of the equal protection clause, limited in the 1880s and 1890s by

[16] See C. Vann Woodward, *The Strange Career of Jim Crow*, Revised Galaxy Edition, (N. Y., 1957); Alan F. Westin, "John Marshall Harlan and the Constitutional Rights of Negroes: The Transformation of a Southerner," *Yale Law Journal*, Vol. 66 (April 1957), pp. 705–709.

[17] United States v. Carolene Products Co., 304 U.S. 144, 152–154n. (1938).

one set of Justices, and now simply returned to its 1868 vigor by a court called upon to measure national sentiment in 1954. In *Lochner*, furthermore, there was no clash of state and national majorities; indeed, national legislation was very much in keeping with the minimum wage and maximum hour laws in the states. And, in *Brown*, the Court's enunciation of national sentiment could have been quickly reversed by Congressional action had the court's measurement been considered invalid by a national legislative majority. This possibility helps to take away the potential sting of the *Brown* ruling in terms of a judicial-legislative relationship. Thus the federalism value, plus the clogged social process, are the justifications for the *Brown* decision.

The validity of this justification, at least as far as the direction of Mavrinac's criticism goes, becomes clear if we examine what Mavrinac finds wrong with *Brown*. He says that the Court took education out of the larger context of racial group conflict; this is contradicted by the fact that the Supreme Court, between 1950 and 1958, has struck down or guided the invalidation of separate facilities in a wide range of areas—housing, transportation, recreation places, and state institutions other than educational plants. State-imposed separation, not education, is the focus. As for Mavrinac's suggestion that the Court intervened on behalf of one interest group, this would be true of intervention on behalf of any minority organization which ran afoul of a local majority: Jehovah's Witnesses, pacifists, socialists, or the White League of Father Terminello. The protection of a national interest, not that of the minority group which happens to be involved, is what lies at the heart of these cases. Mavrinac's argument that the *Brown* case imposes upon a group—white Southerners—a solution to a group conflict which it cannot accept, and is therefore an unwise move for the judiciary, runs squarely against the fact that majority-will continually imposes unacceptable solutions upon groups which set their own values too far apart from the community ideal: compulsory vaccination for Christian Scientists, the draft for conscientious objectors, income taxes for those opposed to foreign aid spending, and monogamy for members of the Church of Latter Day Saints.

Most important, it seems to me that Mavrinac offers an analysis which fails to understand the relation of law to group conflict on the virtually unique racial issue, in the South or elsewhere. At the outset, note that what was involved in *Brown* was not private segregation but state-imposed separation of whites and blacks. It was a crime in Georgia or Tennessee for whites to admit Negroes into a public school, even though a local community might have come to desire this. Those who supported segregation thus had the powerful argument that they were obeying the law: those who opposed segregation had to challenge state laws, and do this without any support in the pre-1954 Supreme Court decisions as to the meaning of equality before the law. Mavrinac seems to be comparing the Negro's position in the South to the movement of Italians, or Irish, or Jews to equality of legal position on the American scene, or even to make a rough analogy to Mexicans in the Southwest and Chinese in California. Since these groups "made it" and on some occasions by flexing their group muscles, he implies that Negroes in the South can do so too. What this analysis ignores

is that the historical and social setting of the South is not that of Boston or Chicago or San Francisco. The South at present is a white-supremacist dominated society, a sick community in many areas by any standard of political health. To talk of ignoring education and focusing on voting is to neglect the fact that statewide elections in the South are decided by white majorities, with control of state machinery often in the hands of the extremists who have every intention of using the "race" issue to retain separate facilities permanently. If an end to segregation in the schools would have had to wait on ballots to that effect, can anyone doubt that this would have taken three to six decades to begin, and that there would have been *no* integration to date. At least, under the *Brown* rule, 770 school districts have been integrated out of 2,129 in the 17-state Southern area.[18] The force of national law is now on the side of those attacking segregation on moral and constitutional grounds, and state laws which seek to retain separation are known to be in conflict with the law of the land. These are not small achievements.

A final observation on Mavrinac's segregation discussion and I will be through. I think that Justice Brandeis would wince with pain if he could see the way his "factual brief" has been misunderstood. Both Brandeis and Frankfurter made it clear that they were never presenting their briefs to the courts as proof of the rightness or wrongness of the matters described. They were only showing that various persons, commissions, or legislatures felt a certain way, that there were facts to support those views, (which the judges were ordinarily ignorant of) and that this presence of rationality or reasonableness should justify the laws as a matter of constitutionality.[19] To the extent that the social scientists' writings cited in *Brown* claimed that they had *proved* that separate education caused hindrances to learning, they cannot claim the Brandeis brief as their model. To the extent that Chief Justice Warren meant to cite them as indications of the view held by experts on the basis of factual inquiry, to show the reasonableness of national community sentiment that separation harmed learning and created feelings of inferiority, the use of social science in *Brown* might be considered in the Brandeis tradition. I cannot think that it is proper

[18] *Southern School News*, Vol. 5 (July 1958) p. 1.

[19] As counsel for Oregon in the Muller v. Oregon case, Brandeis accepted the premise of Lochner that limits upon working hours had to have a real and substantial relationship to the health and welfare concerns of the public. In his oral argument to the Court, he stated: "In answer to the question, whether this brief contains also all the data opposed to minimum-wage laws, I want to say this: I conceive it to be absolutely immaterial what may be said against such laws. Each one of these statements contained in the brief in support of the contention that this is wise legislation, might upon further investigation be found to be erroneous, each conclusion of fact may be found afterwards to be unsound—and yet the constitutionality of the act would not be affected thereby. This court is not burdened with the duty of passing upon the disputed question whether the legislature of Oregon was wise or unwise, or probably wise or unwise, in enacting this law." The question, said Brandeis, is solely whether "legislators had no ground on which they could, as reasonable men, deem this legislation appropriate to abolish or mitigate the evils believed to exist or apprehended. It you cannot find that, the law must stand." Quoted in Samuel J. Konefsky, *The Legacy of Holmes and Brandeis* (N. Y., 1956), p. 91.

for scholars to attack the *Brown* holding, as Southern Congressmen do, in the misconception that the Supreme Court turned the resolution of the segregation issue over to the educational psychologists.

* * *

I wish that I could accept Mavrinac's tour de force on the Supreme Court and intergroup politics in America. Certainly the entry of a powerful new analysis of judicial review would be welcome in an era when so many constitutional debates are waged in an exchange of ritualistic blows learned in the 1930s. And I am aware that history teaches us that last generation's prejudices and misconceptions—that suffocating aura known as "conventional wisdom"—awaits correction at the hands of the bright young men who follow. The difficulty is that Mavrinac has uprooted the labor cases and the educational segregation decisions from their legal, political, and institutional setting and has fashioned his rule for the judiciary in an intellectual hothouse. That his hybrid is attractive and exotic does not mean, as I have tried to show, that it can survive a replanting in worldly soil.

THE CHALLENGE TO POLITICAL SCIENTISTS IN RECENT AMERICAN FOREIGN POLICY: SCHOLARSHIP OR INDOCTRINATION?*

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This effort is impelled by a growing conviction that most of our people and much of our responsible political and intellectual leadership are so hopelessly confused in matters of foreign affairs, as actually to be becoming dangerously irresponsible. The paper is not meant to appear spectacular, nor is it aimed at being pleasing. It will attempt a bit of plain speaking to a very important segment of our intellectual leadership, with whatever persuasiveness it may attain. Most of it will consist of simple statements of readily verifiable fact. In the very nature of my space and personality limitations, my statements will have to be somewhat dogmatic, and readers are invited each to pursue his own confirmations of them.

Implicit in the title are two propositions: (1) that our recent and current foreign policies and strategies have been basically so poorly conceived and so increasingly dangerous that they have been largely unworthy of the apparently dominant intellectual support they have received, and (2) that too much of what has been passing for political science scholarship has been little more than footnoted rationalization and huckstering of those policies. There is also, of course, the further implication, intended to be complimentary to political scientists, that a higher proportion of them have an opportunity, and an urgent challenge to re-examine completely the whole shimmery fabric of our foreign policy and to join the ranks of those, to whom sincere tribute is paid here, who have sought to let the chips of relatively objective scholarship fall where they may. That has not been easy for them. It may not be easy for some others, but it is a social and professional obligation for all.

This paper is not a product of a sudden impulse. In the late 1930's, I began to examine, retrospectively, what had been happening to myself and to my associates in our teaching of international relations in the two decades following World War I. I also began collecting and studying materials on what has now come to be called the "cold war," many of the essential makings of which were already discernible. It follows, then that if the paper be as bad as some may well consider it to be, no very plausible alibi can be offered.

It may seem no very profound discovery to be reminded that all persons and all peoples must live in the great sweep of history, involving necessarily some risks and hazards, from which there is never any complete "security" hedging, either personal or national. Yet recent and current American foreign policy has been dominantly grounded upon two shaky pillars, both of which appear largely to ignore this elementary truth. They are: (1) fear—fear to live in the normal course of history, which has led to persistent pursuit of the illu-

* Speech to the Western Political Science Association, April 12, 1958.

sory goal of absolute security, and (2) an avid determination to prevent essentially all wars and revolutions of which we disapprove, or to participate decisively in them. Now, it is submitted here that neither of these dominant bases can be adequate or tenable for any nation's foreign policy, particularly not in a period which has been, and promises long to be, characterized by much revolution and international disquietude. Yet, for the most part, we political scientists have made a record of applauding, along with other intellectuals, a never-ending series of unpromising, ineffective, and increasingly dangerous State and Defense Department strategies based upon these two shaky pillars: fear and determination to stop foreign and international sin.

I

Basic to our fear-motivated national pursuit of illusive foreign policy goals and to overwhelming support of those policies by our intellectual leadership seems to be a near-universal failure to understand the basic nature of the historical period through which the world is now passing, and in the course of which we must live for the foreseeable future. I shall call it a *great convulsive transition period*, which is to say that it may well come to be recognized in history as comparable to such other identifiable periods as (1) the rise of the Roman Empire, (2) the fall of that great Empire, with the consequent development of feudalism in western Europe, out of which developed modern nation-states, and (3) the period of somewhat parallel development of modern industrialism and constitutional government in the West, beginning in the late 18th and running through and beyond the 19th centuries. Students of Asian history will be able to identify comparable periods of great transition there. Such past pregnant eras seem, quite understandably, never to have been clearly recognizable, if at all, contemporaneously, until they were well under way. History has now recorded enough such periods, however, as somewhat to facilitate the recognition of this one, particularly since it has apparently been evolving for at least a century.

Failure to recognize this period for what it seems clearly to be has not been confined to American leaders, but it has been their failure to recognize it that has allowed us to muddle along without sound basic guidelines for our policies and actions.

Such great convulsions in history seem always to be marked by long accumulated neglect to deal with great public problems. Old orders are challenged. Dynamic personalities fish in troubled waters with varying motivations and methods. New doctrines and systems compete with old ones, which are either displaced or become greatly altered. Always, of course, satisfied and nostalgic elements seek to prolong or recapture the old order of things. To use only two examples, both familiar to students of history, (1) the development of modern nation-states in Europe came in spite of centuries of futile efforts to turn back the clock of history so as to re-establish world empire, on the basic Roman pattern; and (2) the coming of constitutional government was resisted for some decades in Europe perhaps as spectacularly and futilely as any emerging new

order has ever been resisted. It may not be too easy for mid-twentieth century non-professorial Americans to realize that the *dangerous* "ism" of the *nineteenth* century in Europe was *constitutionalism*—and contrariwise, it may seem easy for many professors to have lost sight of this bit of significant functional historical background for this present era of fearsome *isms*.

With some benefit of essential hindsight, it now appears that perhaps for the first time the *whole world*, not merely a relatively localized area, is in the grip of not merely one period of major convulsive transition, but of a "double-header," a confluence of two great flood streams of disturbance and change. The two are distinct. Had circumstances been different, conceivably, one could have come without the other. But they do fit together, so that each intensifies the other. The roots of both go well back into the course of history and feed upon basic human factors which effectuate all history. Neither may be expected to be "settled" or "solved" by any probable design or gadgeteering. Both will have to run their courses—without, or with, the unspeakable complications of World War III.

This great double-barreled transition is impelled by and makes itself manifest through (1) the increasing determination of the masses of poor people, on all continents, to better their lot, and (2) what appears to be potentially perhaps the most menacing power politics struggle of all history—the so-called "cold war" between the United States and Russia (or if one prefers, between the so-called "West" and so-called "International Communism"). Of these two concurrent world-wide convulsions, the former, namely, the increasing mass determination, under such dynamic leadership as may offer itself, to improve the status of poor people, seems the more basic. In fact, it may appear that the "cold war," though currently far more thrilling and more fearsome, may well be riding "pickaback," and for a shorter course, on the more basic mass-betterment drive. In very fact, it may already be apparent to alert observation that much of what is not largely phony about this "cold war" business may be largely futile.

Assuming that we shall muster the gumption to avoid World War III, and there seems no valid reason that we can't, it is quite conceivable that *within, say, another half century, both the so-called "West" and whatever so-called "International Communism" may come to be, may well find their real challenge to be how to feed and service the all-too-many-billions of people. That will, predictably, call for the best efforts of all the evolving social isms, making use of all available kinds of processes, equipment, and know-how.*

Why, then, have our people so misjudged the basic situation? I submit that it has come from a combination of factors, including: (1) our lack of functional historical background, (2) well-meant misleading by our confused and frustrated policy-makers and intellectuals, who have so presistently oversold their oversimplified diagnoses and remedies, (3) inordinate fear of successive so-called "menaces" and "crises," (4) the blinding glare of our own self-proclaimed extreme idealism, (5) the apparently systemic inability of so many liberal-minded intellectuals to be liberal in domestic affairs, without also going

all-out for indiscriminate support of foreign crusading and international gadgeteering (a sort of unspoken doctrine that enlightened analysis must stop at the water's edge), (6) nearly two decades of deliberate demagogic selling of fear of "Communism," as conservative political strategy, and (7) the fact that our economic system has been allowed to be so heavily dependent upon foreign crusades and crises since 1917.

In fact, Professor Schuman has said frankly that "The cold war has long since become a political necessity in Russia, and an economic necessity in America." Then he goes on to spell it out to the effect that,

> Rulers of America find the cold war economically advantageous because the *image* of a menacing foreign enemy causes the Congress, the Press, and even the taxpayers, to approve the spending of scores of billions of dollars of federal funds on armaments and foreign aid, thereby promoting business prosperity, full employment, high profits, high wages, and high farm prices.

An audience of political scientists need not be reminded that in western Europe the roots of the mass-betterment drive go back to the abuses of the early Industrial Revolution and that, even before World War I, the drive had brought great progress toward welfare statism and mass cooperation for mutual benefit. In Asia, some bases for mass-betterment drives go far back into indigenous regional history, while other explosive forces in Asia, Africa, and Latin America are clearly associated with cumulative effects of western colonialism. It is not necessary either to remind readers that the basic *causes* of current and prospective revolutions on all those continents are native "grass roots" (or rice roots) causes, or that those basic causes are far older than either modern Communism or the fearsome, and much flattered (by fear) Politburo. As Mr. Justice Douglas has said, "There is not one ounce of Communism in the issues of those revolutions. And, if every Communist in the world should obligingly drown himself, all the basic causes of mass improvement drives and for revolutions on all those continents would remain essentially in full force. Certainly these drives may be expected to bring great change, not all of it "desirable" and much of it probably destined to be disappointing, perhaps some of it tragically so, as is always true of great transition periods.

Even so, the basic challenge to all articulate self-appointed guiders of public opinion is primarily to seek to *understand* and to *explain* the nature, scope, and dynamics of this period. There can be no fault with constructive and inventive scholarship and nothing in this paper is meant so to imply. Proposals for improvement in social, economic, and political situations and processes, domestic and international, and logical advocacy of them, are laudable functions of intellectual leadership. But it is equally an obligation of social scholarship and leadership to avoid allowing emotionalism and inordinate impatience to vitiate and pervert their efforts. It is an elementary principle of the social studies that rarely if ever, can definitive or even proximate "solutions" be prescribed for really complicated social situations. I know of no politician or professor whom I consider qualified to diagnose and prescribe a solution for the complex situation in the Middle East, for example, or for the Far East. Yet,

having prescribed, or accepted from others, oversimplified solutions or modes of attack upon frustrating foreign and international situations, too high a proportion of our fellows have found themselves committed to rationalization of them and emotionally pressed to seek, select, and utilize data to support them. So it is that we have accepted a whole set of foreign policies and tactics based upon: (1) fear, (2) apparent determination to sit on explosive lids all over the world, which have already blown up under far more experienced lid-sitters, and (3) unwarranted ambition to shape and buy the course of history on all continents, in a period when the course of history is bound to be shaped by the increasing billions of people on those continents.

We political scientists, beginning during World War I, had pretty much "painted ourselves in" by the late 1930s with our "pitch" against war and "aggression," and our increasingly zealous crusading for world peace, international cooperation, international justice, an orderly world under law, "World Government," and "collective security." It all seemed so desirable and so logical. The basic fallacy in it was simply that we were just not prescribing for the real world of fallible perverse human beings in an era of great convulsive transition. We were prescribing for ourselves and for one another—and for our captive classroom audiences. We convinced ourselves and one another and we impressed our students, with the well-financed promotional aid of heavily endowed "peace" foundations, of which we had, by actual count, at least 120 as early as the middle 1920s. They poured into the crusade for an orderly world, with modern Madison Avenue techniques, enormous amounts of money to pay for professorial and pre-professorial training, travel, conventions, and group studies, for local lay study groups, for countless numbers of books, pamphlets, monographs and periodicals—mostly written by professors for professors, teachers, and other intellectual leaders, and made easily available to them.

Certainly, no other people outside the totalitarian areas had ever been subjected to any peacetime "brainwashing" approaching in magnitude, cost, effort, and effectiveness this, our own, inter-war indoctrinating drive to get us ready to take our rightful place as a "world power"—and, as it all turned out, for participation in World War II.

Already, with typical American impetuosity, and bulldozer mentality, we had abandoned the role of logical advocacy of a necessarily very slow process of evolution toward a, perhaps conceivably, more orderly world—whatever that advocacy may have been worth. We had embraced "collective security," "sanctions," and use of military force. In so doing, we had already turned, not toward peace, but toward war, no matter how we may have sought to rationalize and to analogize the doctrine that "collective" war is really "peace."

Then came the decivilizing experiences of modern world war, which left us in very short supply of reasonably objective unemotional political scholarship or leadership. Potential scholars and intellectuals had been largely recruited, or expected, to devote their talents to wishful thinking and propaganda, or to other work in the conduct of the war. One particularly frank individual pro-

claimed, as we approached that war, that while perhaps he might be too old to fight for his country, he would gladly *lie* for it. Emotionalism and morale-building rationalization, upon which objective scholarship is not well nurtured ever, were far more in demand, in the war effort, than critical analysis, discriminating judgment, and the raising of realistic questions. It was not too hard to concoct and to sell pleasing diagnoses, remedies, and solutions for the *post-war world*. We merely had to follow through with the indoctrinating lines which we had been sold—and had been selling—in the 1930s. Again, of course, we were not diagnosing and prescribing for the real world, in a great convulsive transition period. We were not prescribing realistically for a world in which we, having helped to destroy the long-standing retaining walls against traditional Russian territorial ambitions in two world wars, should have to see Russia, *any* Russia, predictably and easily, move to make good on those old ambitions, and probably to become a more fearsome "menace" than Italy, Germany, and Japan had been considered to be. Nor were we prescribing realistically for a world to be, predictably, in a state of mass revolution, with all sorts of encouragement from the new *Communist* Russia.

This is to say that, basically, nothing has happened on the "other side" in the "cold war" which should have been surprising to realistic scholarship—nothing, in fact, of which there was not respectable wartime and pre-war warning—and nothing which had not been anticipated by at least some professors in classes of 4-Fs and girls during the war.

Nevertheless, the frantic responses of our policy-makers and their articulate supporters, to post-war policies and tactics of the "other side" have assumed a pose of being based upon recurring surprises and crises. These responses have had the effect of making our politically immature, though highly gadgeteered, people, generals and ex-generals, increasingly frustrated, frightened, and dangerous.

Paraphrasing the famous line of the military character in the *Teahouse of the August Moon*, who was determined to make his area a democracy, even if he had to shoot every native on the island in order to do it, it now appears that our leadership, with popular acclaim, is determined to stop the spread of Communism, even if we must totally destroy civilization, in order to do it.

Seriously to contemplate collective nuclear war for the preservation of peace in the so-called "space age" could be completely ludicrous, if it were not just sheer madness. Yet our policy and strategic plans, daily and boastfully, call for and rehearse for nuclear war, in accord with repeated State Department threats and Presidential pronouncements. *Certainly, nothing which could conceivably happen anywhere on Earth, or in outer space, by act of man, in the normal course of history, could possibly be so bad as "collective" nuclear war to prevent it from happening.* And I submit that political scientists have no duty further to underwrite the unthinkable *converse* of this proposition, as a feature of our foreign policy.

Certainly, it is late enough (if not too late) for intellectuals, in strength, to offer constructive leadership away from this impending world tragedy. It can't

come from the military. It can't be expected from politicians (though it could be excellent politics). From whom can it come? I am speaking to members of one profession from which it ought to come, heavily—for several reasons. And I am confident that bold, prompt, enlightened, and persistent action by even another one hundred respected professors just might start a virtual stampede toward common sense.

Surely, there has been enough of professorial effort to shore up and bail out political ineptitude and diplomatic misadventure, enough of finding ourselves called upon to accept and sell concepts and strategies completely contrary to those which we have just as obligingly peddled only a few years earlier. For example, after going all out in denunciation of military alliances following World War I, we now find that we are expected to sell wholesale embracement of nearly a dozen so-called alliances, committing the United States to make war on all continents—all in the alleged interest of "peace" and "security." After hawking, during the war, the totally unrealistic doctrine that Germany and Japan must be completely disarmed and kept disarmed indefinitely, we found ourselves, within five years, called upon completely to reverse our field and frantically to sell virtually compulsory re-arming of both those so-recent menances. After turning on all our charm to sell "containment" of Russia for ten years, we now find ourselves cruelly sold out by the originator of the term, as George Kennan, turning happily and with some maturity from politics toward scholarship, seems largely to have repudiated that hazardous doctrine, in favor of military disengagement. I deem it not improper to ask, when do we also grow up and turn toward scholarship?

After having generally approved Presidential denunciation of British, French, and Israeli military action against Egypt, in 1956, to depose a popular Arab leader and "keep open" a western-owned waterway, we found ourselves, in 1958, expected to approve sudden massive American military "intercession" in Lebanon, ordered by the same President, in association with similar British action in Jordan, to maintain unpopular regimes and to protect western-owned oil operations, in panicky fear of so-called "indirect aggression" by the same popular Arab leader, who is a product and ardent promoter of irrepressible Arab nationalism in this troubled era. Then, after seeing the whole thing blow up in our faces in the United Nations General Assembly, we were called upon to accept Mr. Dulles' claim of "victory" in the fiasco. When do we start doing our own individual realistic evaluating of the whole shaky pattern of our foreign policies and strategies, in pursuit of our social and professional responsibilities?

II

Now, may I suggest a few basic areas which may invite new efforts at objective non-rationalizing scholarship. Our whole "cold war" policy has been fundamentally grounded upon implicit and alleged fear of Russian *military* aggression against the so-called "West," and of the spread of "International Communism." Yet I am not aware of a single competent scholarly study which has ever lent any support to the fear of any deliberate major Russian military attack any-

where. There has been warning from respectable intellectual sources that major war may be induced by American pursuit of sufficiently provocative policies, such as rebuilding a militarily powerful Germany, coupled with peripheral ringing of Russia and China with American bases and military alliances—currently being supplied with nuclear weapons—a whole series of presidential "doctrines," and threats to destroy Russia. It is my impression that these provocative policies have enjoyed the dominant endorsement of political scientists. If so, on what basis—scholarship or indoctrination?

If attention be turned briefly to our mortal fear of the spread of Communism, it may be pointed out that here we approach something more basic than the "cold war." Here we come to grips with the deepseated world-wide mass-betterment drive, which underlies this great convulsive transition period. It has been, of course, our short-sighted and hysterical concern with the "cold war" which has given us some fear-motivated awareness of mass poverty areas. Perhaps it were better to have become aware because of fear than not to have become aware at all, but our fear-oriented "aid" programs have rarely got much beyond confusion. Again, I know of no competent scholarly study which lends support to the doctrine that such programs can be expected either to "stop Communism," or to provide reliable military allies against Russia.

My own position is that appropriate amounts of intelligently administered economic and technical aid are amply justified, but solely because hundreds of millions of human beings *need help*. If this position does not impress my brethren, then let there be more objective study here, of which we have not yet had too much.

Unless the "cold war" phase of this great transition period can be waged from "our side" with a sense of proportion, a sense of humor, and so as to contribute a dominantly positive, constructive approach to the basic mass-betterment challenge, then I make bold to assert that it would better be quietly abandoned, as a major element in our foreign policy. I know of no competent non-rationalizing evaluation of it which holds out any promise that we can "win" it. Since its inception in the course of the war, we have pursued some seven or eight successive identifiable kinds of strategy:

(1) The wartime *pretense* that Russia would play the postwar game our way;
(2) The diplomatic and press-release *fussing* stage observable by 1946;
(3) The "containment" and *bluffing* stage which took shape by 1947;
(4) Warmaking, started in Korea, 1950;
(5) Preparation for World War III, begun in earnest by 1951;
(6) "Competitive coexistence," proposed in 1954–55;
(7) Getting tough again, 1956–58; and
(8) Recurring references to "liberation" of "slave peoples."

These stages have been *cumulative*. We have never dropped any one of them, but have carried them all along concurrently, as so many *layers* of "cold war" strategy; and it is common to read about the current use of several of them in one day's news. Yet, we appear to be perhaps further from what might be called "victory" than when we started.

The only phase of our eight-layer "cold war" strategy which has ever offered a positive, constructive approach is the "coexistence" *idea*. Even it however, offers, no valid promise of "stopping Communism" or of making and keeping Asia, Africa, and Latin America democratic and capitalistic; and I submit that it should not be further sold to our people on that unwarranted basis. It can be justifiably supported only on the ground that it can be helpful to human beings who will need help, under whatever system they may come to live. It is, of course, highly desirable that aid programs should become cooperative ventures among communist and non-communist regimes, in the interest of efficiency and economy, as fully and as rapidly as that can be brought about. One of the sorry exhibitions of the near-bankruptcy of American policy has been its semi-hysterical response to increasing Russian military and economic aid, which should not have been surprising, certainly not so alarming as to evoke futile Presidential "doctrines" and panicky responses to blackmail from Asia and the Middle East. Just why shouldn't the Communist world be *expected* to play the "cold war" game too?

I bring no recipe for "winning" the so-called "cold war." Nor have I seen any that will stand up under careful analysis. In the very nature of the situation, there probably cannot be any, and it is late enough so that political scientists should stop kidding one another and the people. The "good guy" just doesn't always have to win in contests with "villains." Much of the so-called "West" has, with varying motivations and degrees of devotion, been engaged in what has been essentially a religious contest. And I know of no case in history in which any old order in any comparable ideological contest with a new, virile, well-seated system, has ever been able to do better than to reach a stalemate, no matter how bloodily it may have tried to "win."

There is on the loose among our rationalizers the appallingly naive notion that (insofar as we have recently become aware of these deep-seated native causes of mass revolution) it has all been somehow a product of American influence. Then there is the corresponding and equally naive obsession that American influence can effectively counteract and direct it all, in the interest of some sort of combination of "democratic" political *status quo*, modern industrialism, modernized agriculture, and adequate health services—presumably adequate to facilitate indefinite population growth in areas already tragically overpopulated. It all proposes to be untainted by "socialism" and to invite unlimited private investment in profit-taking "free enterprise," which is to put hundreds of millions of people on "payroll" incomes, with which to buy both the new production and so-called "surplus" products from the United States. This confused situation is so stated here, not in an effort to be clever, but roughly to measure the enormity of its ambition and to reveal the basic incompatibility of its component parts.

This leads me to propose as a field for serious non-rationalizing study an effort to find out just what we may reasonably expect to do to be modestly helpful to these mass-poverty areas, and just how it may be done, without any sort of "war" or "defense" motivation—and with realization that very possibly

much of our contribution may ultimately fall into the hands of the Communist world.

I am completely unimpressed with the specious line that ultimately we shall be able to "negotiate from strength" with Russia "settlements" to our liking, and that in the meantime the Communist world is bound to collapse from its own inherent weaknesses. There simply is no basis for either proposition. The Communist world is plagued by plenty of weaknesses, but it also enjoys many important strategic advantages. Communism is not going to fold up and die. Presumably, it may be expected to *evolve*, with time, as all social systems have evolved; but it requires no special professorial wisdom to conceive that, as it evolves, the new system may well be embraced by, or profoundly affect, vast areas and enormous numbers of people. Continuous, patient, not too satisfying, negotiation there must be, but it will have to be done by and between political equals, and perhaps rarely on our terms. If negotiation is to contribute to smoother relations, "our side" will have to make plenty of major concessions, involving obvious risks.

To expect definite "settlements" of basic differences from particular conferences will be to court disappointment. To brand such disappointing experiences as "failures," to be followed by successive "crash" programs, emotional denunciations, and diplomatic pouting, will be unworthy of statesmanship or scholarship. A prime purpose of negotiation must be to contribute to some measure of relaxation of tensions in this trying era which we shall not be able to control.

Russia and "International Communism" are not going to be safely pushed around by anybody, no matter how respectable we may be—nor how closely our politicians may put their arms around God. In fact, they are very likely to do several kinds of pushing on their own, whether we like it or not, even as other great systems and countries, on the make, have always done. After having pushed and grabbed to relatively satisfying positions in the world, the so-called "West," with notable professorial assistance, then sought, understandably, to change the rules of the game, so as to safeguard its position against other prospective pushers and grabbers. Necessarily, these late-comers have not been too much impressed by the moralistic and legalistic rationalizations of the rules-changers.

Some of these peoples have not had very much modern experience in pushing others, and may not do it with too much finesse. Frankly, I see no real promise of very smooth sailing in foreign and international affairs for the predictable future. We are just not in that kind of era. A basic lesson from functional history is that the only way out of a great convulsive transition period is either to live on through it or to commit suicide. This one cannot be stopped, and it is far too big to be directed from Washington, in any major way, despite persuasive overselling of our so-called "World Leadership" role.

Even so, I am not frightened by the awesome current line that our very "survival" is threatened by some devilish combination of Russian military power and Communist "economic warfare." It has no basis in common sense. I have seen no competent non-rationalizing study which lends support to it, and

I find it unimpressive, coming from leadership which, with its predecessors, has consistently misjudged, and mis-advised upon, essentially every major aspect of Russian and Communist development since 1917. My prayer is that we may be somehow protected from leadership with such *talent* for misjudgment.

I *am* frightened, however, by our inordinate fear to live in the normal course of history, by our seemingly incurable bent for world crusading for unlimited objectives, and our apparent inability to develop the political, economic, and intellectual statesmanship needed to operate our own economic system on a normal peacetime basis, without major dependence upon continuously recurring foreign crises. These are the real threats to our survival. There is urgent need for many more academicians, ministers, journalists, and business leaders to come up out of their intellectual bomb shelters and join their somewhat lonely colleagues, who are taking a sober second look at this explosive world, in the clearer light of efforts at reasonably objective scholarship.

FOREIGN AID AND THE POLICY PROCESS: 1957

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For students of government the annually recurring debates over foreign aid are a stethoscope held to the heart of the United States foreign policy process. They reveal in classic form the political strains and stresses that have come to afflict this country's postwar external relations. Foreign aid has required new concepts, skills, personnel, institutions, legislation, and funds. This modern brand of "dollar diplomacy" has not only jostled traditional structures and processes within the executive branch but has called upon the legislator and the man in the street to adjust to a new vision of the American mission and to what it involves in material terms as well. Herewith is a case study of that reappraisal.

The foreign aid debate of 1957, centering around the preparation and approval of the authorization and appropriation acts for fiscal 1958, was especially instructive because it was the occasion for a resounding collision between a greatly intensified crusade to redirect and reinvigorate the program, particularly in support of long-range economic development, and an equally determined campaign to bear down on the brakes. The present commentary focuses primarily on the roles of the official executive and legislative participants, as well as of influential non-governmental interests, during the course of this debate. The story sheds some light on both the foreign policy process in general and on some of the major substantive and administrative issues at stake in this particular case.

To give some sense of the flow of events, the analysis is organized temporally according to seven major phases under the following headings: prelude to 1957, special legislative studies, executive branch reports, Senate Special Committee report, administration proposal, authorization act, and appropriation act. Through each of these episodes run certain topical themes dealing with the principal issues: (1) basic objectives, (2) level of expenditure, (3) degree of continuity and flexibility, (4) manner of financing aid, (5) criteria governing aid, (6) relationship between military and economic aid, (7) relationship of the economic aid agency to the Department of State and other departments and agencies, and (8) use of multilateral channels.

I. PRELUDE TO 1957

To understand this chapter of the foreign aid story, one should keep in mind not only the immediate environmental setting, but also the broad pattern of what had come before, at least since the Second World War. For example, the extraordinary outpouring of some 60 billion dollars in postwar foreign assistance has been a very uneven phenomenon, gushing forth in response to certain

* The views expressed in this paper do not necessarily reflect the views of other staff members or the administrative officers of the Brookings Institution.

security crises (the immediate postwar situation, the European crisis during 1947–1949, and the Korean War) and tending to dry up in periods of relative calm. The major emphasis of the aid has shifted radically from military to economic, to military and, now, back toward economic. The geographic orientation has swung from Europe to the less developed countries. And the domestic administrative pattern has varied from one of relative decentralization during the Second World War toward centralization under the Department of State in the immediate postwar period; to renewed decentralization with the advent of suddenly expanded economic and military aid programs beginning in 1948; to centralization under the Directors for Mutual Security and Foreign Operations Administration; and, in 1955, back towards centralization under the Department of State with the creation of the International Cooperation Administration (ICA) as a "semi-autonomous" agency within that department. While this succession of permutations kept life from getting dull, it was scarcely conducive to steadiness of purpose, program, or administration.

Certain more immediate developments were especially important in setting the stage for the 1957 debate. Among the principal factors tending to make the Washington climate inhospitable to foreign aid was the international climate, which seemed less ominous than it had been before the death of Stalin. There was also the "economy" offensive led by the Secretary of the Treasury, George M. Humphrey, and generally supported by such administration figures as the Under Secretary of State, Herbert Hoover, Jr., the Director of the ICA, John B. Hollister, and the Special Assistant to the President for National Security Affairs, Robert Cutler. The anti-internationalist camp, which is centered chiefly among Midwestern Republicans and Southern Democrats, especially when their respective parties do not control the White House, was reinforced by the transfer of control of the Congress to the Democrats as a result of the 1956 election, the passions aroused by the civil rights issue, the growing protectionism of the South, general criticism of the administration of foreign aid, and a large unexpended balance of military aid funds. Liberal Democrats were also critical, chiefly because of their opposition to the emphasis on military assistance and their general hostility towards the Republican administration. Finally, Executive consultation with the Congress was inadequate, and there was a relatively low level of interest, understanding, and action on the part of the public as a whole.

Other factors favored economic aid. There was a growing movement, both inside and outside the government, to give greater financial resources, continuity, and flexibility to the economic aid program for both humanitarian and security reasons, especially to meet the challenge of comparable activities by the Soviet Union. To this end, liberals as well as conservatives called for increased emphasis on loans as distinguished from grants, greater participation by private capital in both this country and the recipient countries, and a sharper separation of military and economic aid. Administration leaders who were particularly sympathetic towards this trend included the President,

Secretary of State Dulles, the new Under Secretary of State, Christian A. Herter, who replaced Hoover in February 1957 and became increasingly influential in overseeing the aid program, and the Assistant Secretary of State for Policy Planning, Robert R. Bowie. In the Congress this effort was supported by a majority of Republicans, including some who had previously shown little affection for the program, and most Northern Democrats, including those from the Midwest. In addition, there was the series of special legislative and executive studies which had been initiated as part of the strategy to win approval of the 1956 foreign aid legislation and which helped to spike the economy drive in 1957 and inspire a bolder "new look."

The legislative interest in a fresh appraisal, which had something of a partisan Democratic flavor, was used as a lever by certain executive branch advocates of strengthened development assistance, including Robert Bowie, to persuade Secretary Dulles to agree to a thorough re-examination of the program. This group first sought legislative support for a separate executive study and then for a joint executive-legislative effort, in the Hoover Commission tradition; but the Democrats blocked these moves. The Senate then passed a resolution in July 1956[1] creating a Special Committee to Study the Foreign Aid Program, composed of the full membership of the Committee on Foreign Relations and the chairmen and ranking minority members of the Senate Committees on Appropriations and Armed Services.

II. SPECIAL LEGISLATIVE STUDIES

To obtain maximum light with minimum heat, the Senate Special Committee farmed out most of its enterprise by asking eleven nongovernmental research groups to prepare reports on various aspects of the program. It also invited ten prominent individuals to make field studies in forty-four countries. These arrangements were begun around September 1956, the reports were published by March 1957, and the authors were given an opportunity to discuss their findings in public hearings during March and April.

This collection of studies was remarkable not so much for the original research it contained, because there was precious little time for that, but for harvesting, winnowing, and sorting much thinking that had been developing over a much longer period of time.[2] Of the many prior efforts that provided grist for these reports, one of the most influential flowed from research which had been going on in the Center for International Studies at the Massachusetts Institute of Technology under the direction of Max F. Millikan and Walt W. Rostow.[3]

[1] Senate Resolution 285, July 11, 1956.

[2] These studies have been published in a single volume, *Foreign Aid Program, Compilation of Studies and Surveys Prepared Under the Direction of the Special Committee to Study the Foreign Aid Program, U.S. Senate* Document No. 52, 85 Cong., 1 sess. (1957).

[3] For the general MIT position see Max F. Millikan and Walt W. Rostow, *A Proposal: Key to an Effective Foreign Policy* (1957). This research reflected not only first-hand field experience but numerous consultations with various knowledgeable and influential leaders

The essence of the MIT thesis, which was published in its Senate form in January 1957, amplified by Millikan's subsequent testimony, and generally paralleled by most of the other Senate reports, was that the national interest requires a long-range economic development program based on strictly economic criteria and divorced as much as possible from political and military considerations. The funds devoted to such a program should be substantially increased to approximately $10 billion over a period of ten years and they should be made available on a basis liberated from the strait jacket of the annual appropriation process. An increasing proportion of the program, perhaps averaging 80 per cent over the ten-year period, should be financed through loans, on terms adjusted to varying circumstances; but some grants would still be necessary. This assistance should be made available to all underdeveloped countries of the "free world," allocated strictly according to their "absorptive capacity" without political or military conditions and with the objective of enabling them to reach a "take-off" point when their development would be self-sustaining. It should be kept separate from other programs in concept, planning, and budgeting but not in administration, particularly in the field. The administration of the program should remain in the hands of national agencies, preferably an independent "authority" with "corporate status," operating with the advice of a new international development advisory council.

In general, the other reports were in harmony with the Millikan-Rostow thesis.[4] The Brookings study went further, however, in considering domestic administrative arrangements, indicating the need for increased flexibility, pointing the way toward stronger co-ordination by the Secretary of State, suggesting that the economic aid agency be placed under an Under Secretary of State for Economic Affairs, and urging a clearer boundary between military and economic assistance but no further legislative or administrative separation. The Columbia University review of military assistance emphasized the need for greater continuity and flexibility in the administration of military aid but

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both outside and inside the government, including Robert Bowie. Men such as Chester Bowles, Paul Hoffman, Senator Alexander Smith, Republican of New Jersey, and Senator J. W. Fulbright, Democrat of Arkansas, were particularly impressed with it. The MIT group was asked to prepare the key Senate study on "The Objectives of United States Economic Assistance Programs."

[4] Other Senate studies particularly relevant to the major issues involved in the basic legislation included those by the Research Center in Economic Development and Cultural Change of the University of Chicago, directed by Bert F. Hoselitz, on "The Role of Foreign Aid: the Development of Other Countries"; by the Brookings Institution, under the direction of Robert W. Hartley, Paul T. David, and H. Field Haviland, Jr., on "Administrative Aspects of the United States Foreign Assistance Programs"; by the Institute of War and Peace Studies of Columbia University, under the direction of William T. R. Fox and William W. Marvel, on "Military Assistance and the Security of the United States, 1947–1956"; by the Council for Economic and Industry Research, Inc., under the direction of Arthur E. Burns, on "Foreign Assistance Activities of the Communist Bloc and their Implications for the United States"; and by the National Planning Association, under the direction of Gerhard Colm, on "The Foreign Aid Programs and the United States Economy."

did not call for any sharper division between the military and economic programs. The report on Communist bloc activities stressed the growing challenge of these developments, and the study of the program's relation to the domestic economy concluded that it was not unduly burdensome.

About the same time that the MIT report appeared, Chairman James P. Richards of the House Committee on Foreign Affairs submitted to his fellow committee members his own "draft report" attached to, and based on, the verbatim record of hearings held during October and November 1956.[5] Congressman Richards was in accord with much of the tone of the Millikan-Rostow thesis, but he wanted to begin to reduce the total expenditure for foreign aid. He therefore placed even greater emphasis on financing economic aid through loans, and called for the separation of military and economic assistance in administration as well as planning and budgeting. He also showed less enthusiasm for utilizing multilateral channels, although he suggested that United States contributions to the United Nations should be maintained at approximately the current level while the percentage should gradually be reduced to 30 per cent of United Nations receipts for this purpose.

III. EXECUTIVE BRANCH REPORTS

As the bulk of the Senate Special Committee reports were being published in March 1957, the executive branch gave birth to two studies, within a few days of each other, which had some common features, but, as happens in so many families, had fundamentally different personalities. The first to arrive, on March 1, was the *Report to the President by the President's Citizen Advisers on the Mutual Security Program.*[6] The group responsible for this study had been appointed by President Eisenhower the previous September, after the Senate had refused a joint inquiry; its chairman was Benjamin F. Fairless, Chairman of the Board and former President of the United States Steel Corporation. The second executive report arrived March 4, and was entitled *A New Emphasis on Economic Development Abroad;* it was produced by a group called the International Development Advisory Board, whose Chairman was Eric Johnston, President of the Motion Picture Association of America, Inc.[7] This body,

[5] *Foreign Policy and Mutual Security, Draft Report Submitted to the Committee on Foreign Affairs . . . Together with Hearings . . .*, December 24, 1957. Those who testified during the hearings included nineteen outstanding figures in the foreign policy field, including Paul Hoffman, John J. McCloy, George Kennan, Admiral Arthur W. Radford, and Chester Bowles.

[6] Washington, G. P. O. Apart from the chairman, the Committee consisted of Colgate W. Darden, Jr., President of the University of Virginia; Richard R. Deupree, Chairman of the Board, Proctor and Gamble Company; John L. Lewis, President, United Mine Workers of America; Whitelaw Reid, Chairman of the Board, *Herald Tribune;* Walter Bedell Smith, Vice Chairman of the Board, American Machine and Foundry Company, former Army general and Under Secretary of State; and Jesse W. Tapp, Chairman of the Board, Bank of America.

[7] The other members were Gardner Cowles, President, Cowles Magazines; Robert P. Daniel, President, Virginia State College; Harvey S. Firestone, Jr., Chairman, The Firestone Tire and Rubber Company; J. Peter Grace, President, W. R. Grace and Company;

established by Congress in 1950 as the chief public advisory group associated with the economic assistance program, had decided to undertake a major review of foreign aid before the Fairless group had been appointed. After the Fairless inquiry was launched, the Board wanted to go ahead anyway, and the White House concurred. Then, as certain groups became increasingly dismayed at what they considered a rather conservative approach on the part of the Fairless group, they looked to the International Development Advisory Board to introduce a countervailing point of view.

The Board's report was in general agreement, and written in close association, with views that were being developed in some quarters of the Department of State, especially the Policy Planning Staff. Those views reinforced the general theme: more attention and funds ought to be devoted to long-range economic development, which should be financed more on the basis of loans under flexible conditions; greater continuity could be gained if Congress would provide a "development fund" available on a long-term basis; the fund should cover all the money intended for development purposes including an appropriate portion of what had previously been called "defense support,"[8] and this program should be separated in planning, budgeting, and much of its administration from other types of assistance.

In a few respects the Fairless and Johnston reports were close to being twins. Both proposed that development assistance be placed on a more long-range basis with greater operating flexibility. Both urged that more emphasis be placed on loans than on grants. And both called for a clearer separation between military and economic assistance.

In other respects, they seemed like very distant cousins. The Fairless report spoke of foreign aid primarily as an instrument of "collective security" to repulse "Soviet imperialism." The Johnston report scarcely mentioned the Communist threat but spoke of development assistance instead as a means of helping underdeveloped countries to channel "their energies toward internal progress," of obviating ultimately the need for military assistance, of developing a "channel for understanding" between the recipients and the United

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Wilton T. Halverson, Dean Emeritus, School of Public Health, University of California; Mrs. J. Ramsay Harris, Member, United States Committee for UNICEF; Lloyd A. Mashburn, General President, International Union of Wood, Wire, and Metal Workers, AFL-CIO; Lee W. Minton, International President, Glass Bottle Blowers Association, AFL-CIO; W. I. Myers, Dean, New York State College of Agriculture, Cornell University; Herschel D. Newsom, Master, National Grange; William M. Rand, formerly Deputy Director of the Mutual Security Agency; and Laurence F. Whittemore, Chairman of the Board, Brown Company.

[8] In the fiscal 1957 legislation, there were four principal categories of foreign aid: "military assistance" (military materials and services), "defense support" (economic assistance required to support approved military programs), "development assistance" (aid to promote basic economic development, primarily in countries not receiving military assistance and defense support), and "technical cooperation" (transfer of skills with small amounts of necessary supplies and equipment).

States, and of giving expression to the "moral traditions" of the American people. The Fairless report did not contemplate any increase in the current level of foreign aid and related spending, but it estimated that level to be approximately $8 billion, a far larger amount than most people had in mind. The Johnston group called for a "substantial increase in capital investment and technical assistance programs" without mentioning any specific amounts.

In support of a more long-range program, the Fairless study urged that the United States "resolve to stay the course . . . so long as the Soviet Union continues to seek the destruction of the free world," and more specifically, that "both the military and economic assistance programs be presented to each Congress [*i.e.*, once every two years] . . . rather than to each session of each Congress." The Johnston report proposed the establishment of an "International Development Fund" for "a period of years. Appropriations by Congress should permit the Fund to operate for a minimum of three years without requiring additional financing." Furthermore, the program should "not be limited by prior allocations of portions of the Fund to any particular countries or areas."

Regarding the means of financing development assistance, the Fairless committee accepted the necessity of making some loans on "more liberal terms" but not "repayable in inconvertible currencies," and urged that grants "be severely limited." The Johnston report accepted "repayment in local currencies" as well as outright grants. The Fairless report wished to give "a higher priority . . . to those countries which have joined in the collective security system"; the Johnston thesis simply limited the program to the "free world."

The Fairless group proposed that " . . . military assistance should be submitted to the Congress as a separate title within the regular Defense budget. That separate title should include . . . that portion of . . . 'defense support' which is in fact for support of local military requirements . . . " The Johnston study recommended that a "clear distinction" be made between the military and economic programs and that "defense support . . . be limited to the amounts required to permit . . . countries to support their enlarged military budgets. That portion of 'defense support' which contributes to long-range development should be included in the appropriation for the Fund."

Regarding organization, the Fairless thesis recommended "full integration" of the ICA with the Department of State, while the Johnston analysis merely suggested that the Fund "operate through the ICA of the Department of State." The Fairless report endorsed continuing United States support of the United Nations technical assistance work "at about the present level"; the Johnston study had nothing to say regarding multilateral channels.

These two reports were then turned over to Clarence B. Randall, Special Assistant to the President and Chairman of the interdepartmental Council on Foreign Economic Policy, to reconcile and transform into a basis for the new administration program. Toward the end of March, Randall called a high-level meeting to consider these matters, and a large majority decided not to attempt

the bolder approach, centering around the "fund" concept, partly because some were fundamentally opposed to it and others thought it too late in the year to develop a sound program for fiscal 1958. Assistant Secretary Bowie, Under Secretary Herter and Secretary Dulles, were convinced, however, that the bolder approach was sound and that Congress would be extremely critical unless the administration came up with such a radical revision. Dulles and company won the argument, and it was the bolder approach that the Secretary described, in outline form, in his testimony before the Senate Special Committee on April 8, which is discussed below after an examination of the Senate Special Committee report.[9]

IV. SENATE SPECIAL COMMITTEE REPORT

After listening to Secretary Dulles and forty-seven other individuals, as well as receiving twenty written statements, the Committee finally had the satisfaction of striking back with a report of its own which was approved unanimously—a fact which carried great weight considering the diverse membership of the Committee—and issued on May 13.[10] Standing between the State Department and Fairless group positions, the Committee joined the chorus crying for more long-range development assistance, giving its own cogently stated military, economic, political, and humanitarian objectives, and proposed that the assistance be dispensed via a "fund" similar to that proposed by State. On the other hand, it differed from both the State and Fairless plans in urging that the two giants of the air program, military assistance and defense support, be somewhat deflated.

To assure greater continuity for development assistance, the Committee proposed that the revolving fund be administered by a "Government corporation" and that its working capital be "built up" by Congress "over a period of years." But the Committee showed no sympathy—probably due in large measure to views such as those of Senator Wayne Morse which were soon to explode publicly—toward other efforts to gain greater continuity and flexibility, *e.g.*, by granting continuing authorizations and longer availability of funds, and by abandoning certain quantitative restrictions, including specific country and regional allocations. One of the principal objections to continuing authorizations was that they would tend to prevent the substantive committees, particularly the Senate Foreign Relations Committee, from reviewing the program each year and would thereby strengthen the relative influence of the appropriations committees, a prospect that also chilled the marrow of many people in the executive branch. Unlike the Fairless report, the Committee accepted the necessity for some local currency loans, but, in accord with that report, it urged that the fund be used to give much greater encouragement to private investment, including joint participation with private capital.

[9] *The Foreign Aid Program*, Hearings Before the [Senate] Special Committee to Study the Foreign Aid Program, 85 Cong., 1 sess. (1957), p. 400.

[10] U. S. Senate, *Foreign Aid, Report of the Special Committee to Study the Foreign Aid Program*, May 13, 1957, 85 Cong., 1 Sess., Report No. 300.

Contrary to both the State and Fairless proposals, as well as the Richards report, the Committee showed no enthusiasm for placing military assistance and defense support in the Department of Defense appropriation, chiefly on the ground that this would hamper centralized co-ordination of the aid program in both branches. In harmony with the Fairless report but not Secretary Dulles' view, the Committee called for a "full merger" of the ICA with the Department of State. On the other hand, in opposition to both the Fairless and State positions, the Committee proposed that the fund be administered as an independent corporation with a board of directors drawn from the Export-Import Bank, the United States directorate on the International Bank, the Department of State, and the Department of Commerce. This was not calculated to bring joy to the hearts of either State or ICA. Like the State report, no direct mention was made of multilateral channels, simply the recommendation that technical assistance "should be continued substantially as at present."

V. ADMINISTRATION PROPOSAL

Only a week after the Special Committee report, the administration submitted to the Congress its consolidated position in the form of draft legislation. This was reinforced by a determined executive offensive to counteract the economy campaign, including a White House meeting with legislative leaders of both parties on May 9, and a Presidential television address on May 21 devoted exclusively to foreign aid. While the administration program had much in common with the Special Committee report, it parted company with it in at least four major respects.[11] It emphasized the need for operating flexibility far beyond that acknowledged by the Special Committee. It did not propose that the development fund be established as an independent government corporation. It recommended a sharper division between the military and economic aid appropriations. And it rejected the proposal for a complete marriage of the ICA with the Department of State.

Many Congressmen were annoyed because the program was submitted so late in the session, May 22. The administration reply was that it had not only been difficult to pilot such a significant modification of the program through the executive maze but that it had been considered only tactful to wait for the Special Committee report, which had not been published until May 13. The administration had also antagonized a good many legislators by deciding suddenly that it could reduce its request by $500 million in military assistance after the economy crusade, led by Secretary of the Treasury Humphrey, had reached fever pitch. This hasty retreat, even before the committees had fired a shot, as well as a widespread feeling in both branches that the military program was unduly inflated, were two considerations used to discredit the soundness of the whole program.

[11] For text of the authorization bill see S. 2130, 85 Cong., 1 sess., introduced on May 22, 1957. For the President's accompanying message see Department of State, Department of Defense, ICA, *The Mutual Security Program, A Summary Presentation*, June, 1957, pp. 1–13.

For the first time in the debate, the administration program now translated the increased emphasis on development into a form that would ultimately be controlling—a budget. Although the administration's final authorization request called for a total of $3,844 million, only $78 million more than the previous year's appropriations, the pie was cut up differently in order to reduce the slices for military assistance (now $1,900 million as compared to $2,017 million the year before) and defense support ($900 million compared to $1,161 million) and increase the slices for a new "Development Loan Fund" ($500 million for the first year compared to $250 million the year before for "development assistance" plus a portion of defense support) and special assistance, *i.e.*, grant aid for "political or economic stability" ($300 million compared to $100 the previous year for the "President's Contingency Fund" plus some funds that had appeared under other titles). This division was based on the new premise that defense support should comprise only the strictly military component of what had previously been called defense support. The new figure for technical assistance, $168 million, was only slightly more than it had been before, $152 million. Similarly, with "multilateral and other funds"—now $96 million compared to $85 million.

Even more important, the administration stormed the battlements of legislative tradition, in step with most of the special legislative and executive studies, to seek a radical loosening of the reins that Congress has traditionally used to hold the executive in check. This involved attacks on three sectors.

First, the administration asked for continuing, rather than the usual annual, authorization for military assistance, defense support, and technical assistance, and a three-year authorization for the Development Loan Fund. Only special assistance, of the four principal categories of aid, was to remain tethered to a year-by-year authorization, presumably because of its short-term emergency nature.

Second, the administration asked that money be made available for longer periods than one year so that programming need not be unduly rushed. Although previous authorization acts had given permission for some funds to remain available for several years or even "until expended" ("no-year money"), these exceptions had usually been cancelled by the appropriation legislation. The customary fiscal year of twelve months had been telescoped not only because funds had frequently been appropriated late in the year but also because they had to be replanned in the light of cuts inflicted by Congress. Then, too, the Appropriations Committees had insisted that no more than 20 per cent of the money be spent during the last two months. This time the administration asked that the appropriations for military assistance, defense support and the Development Loan Fund be made available until expended. The administration also requested that the Development Loan Fund be authorized to borrow $750 million from the Treasury during each of the two fiscal years after fiscal 1958 and that loan repayments by recipient countries be poured back into the Fund, thereby escaping the appropriation process altogether. At the same time the President was to "prepare annually and submit a budget program in ac-

cordance with the . . . Government Corporation Control Act." It is in this way that the Export-Import Bank and other government corporations have been financed and supervised.

Third, the executive branch continued to urge that there be no advance allocation of specific amounts for particular countries or regions, on the ground that such commitments had given too many hostages to the customers. The previous year, for example, the authorization and appropriation acts had earmarked specific amounts for both broad regions and certain individual countries such as Spain and Guatemala. One of the reasons for proposing the Fund was also to abandon the practice of supporting appropriation requests with "illustrative" country programs which, though normally kept secret, had frequently leaked to the countries involved and so been used as a virtual claim against the United States Government.

Regarding organization, the administration differed from the Special Committee in urging that the funds for military assistance and defense support be placed in the Department of Defense budget, in refusing to support a full merger of the ICA with the Department of State, and in rejecting the proposal that the Fund be administered by a government corporation separated from both the ICA and the Department of State. Regarding the last point, the administration suggested that the Fund be established within the ICA, which was to retain its current "semi-autonomous" status in relation to State. It is relevant to note here a school of thought in the executive branch, particularly in some quarters of the ICA, which criticized the State Department plan for separating the military and economic aid appropriations, for fear that this would hamper effective coordination, and for placing too much emphasis on loans, for fear that this would place an undue burden on many recipients and would impede systematic country programming.

As for the use of United Nations channels, the executive proposals called for authorizing the same amount that had been appropriated the previous year, $15.5 million, to be contributed to the United Nations Expanded Program of Technical Assistance. At the same time, it was proposed that the United States share not exceed 45 per cent of the total amount contributed for calendar 1958, whereas the appropriation act for fiscal 1957 had stipulated that the United States contribution in calendar 1958 not exceed 33.3 per cent.

VI. THE AUTHORIZATION ACT

The day after the administration's bold new program had been held up for all the world to see, it was immediately started along the legislative assembly line, beginning with the august Senate Committee on Foreign Relations. Before discussing the committee's deliberations, however, it is well to take note of the state of public opinion, organized and unorganized, that conditioned the proceedings of this and the other legislative committees.

Looming over the whole process was the great unknown, that sluggish and myopic giant, the general public. Despite the paucity of opinion studies regarding foreign aid, it is possible, on the basis of recent materials prepared by

the three organizations noted below, to gain some sense of contemporary attitude trends on this subject.[12] First, this research once again demonstrated that the best educated are the most internationally minded. Second, these studies, based on nation-wide samples, indicated that a majority of those polled since 1945, averaging approximately 65 per cent, have generally supported this country's economic and military aid programs while approximately 30 per cent have opposed them. During this period, however, the level of support had gradually declined from about 80 per cent in 1945 to about 55 per cent at the beginning of 1957. Furthermore, a Roper poll in late March 1957 revealed that only 4 per cent of those interviewed wanted to increase *economic* aid, 24 per cent wanted to keep it at the current level, 31 per cent to cut it a little, 27 per cent to cut it drastically, and 3 per cent to stop it. On the other hand, 5 per cent wished to increase *military* aid; 47 per cent, to keep it as it was; 20 per cent to cut it a little; 14 per cent to cut it drastically; and 2 per cent to stop it. About 11 per cent responded "don't know."

The voices most audible in Washington, however, were, as usual, those of the more organized and influential interest groups. This article cannot accommodate a thorough analysis of the many different versions of the "public interest" advocated during the hearings. It is possible, however, to get some impression of the general spectrum of organized opinion by comparing the statements of six of the principal groups represented: the National Chamber of Commerce, the American Federation of Labor and Congress of Industrial Organizations, the American Farm Bureau Federation, the National Council of Churches, the League of Women Voters, and Americans for Democratic Action. Of these six, only the Farm Bureau Federation called for a substantial pruning of all major forms of aid. The Chamber of Commerce wanted to cut the total amount but to devote a larger proportion to development and technical assistance. The National Council of Churches and League of Women Voters also wanted to give greater emphasis to these two forms of aid and did not propose any specific reductions. The AFL-CIO and ADA agreed with this position and also asked explicitly for a substantial increase in the amount spent on development and technical assistance.

Regarding the proposals to promote continuity and flexibility, the American Farm Bureau and Chamber of Commerce made no significant suggestions. The other four groups specifically applauded the administration requests on this subject, particularly with regard to the proposed fund. Concerning the form of financing, the Chamber of Commerce was anxious to emphasize loans rather than grants; both the Chamber and the Council of Churches wanted particularly to strengthen private enterprise; the AFL-CIO and ADA called for continued grants for development assistance; and the ADA supported "soft loans."

All of the groups, except the League of Women Voters, asked that military

[12] The best single report is *American Programs of Foreign Aid* (February 1957) prepared by the National Opinion Research Center. Other materials were prepared by the American Institute of Public Opinion and Elmo Roper and Associates.

and economic assistance be more clearly separated, particularly by placing military assistance and the revised defense support in the Department of Defense budget. The League was silent on this point. Nor did any of the groups comment on the administrative relationship between economic aid and the Department of State. Regarding the use of multilateral channels, the Chamber of Commerce had nothing to suggest. The Farm Bureau Federation wanted to reduce not only the absolute amount contributed to the United Nations Expanded Program of Technical Assistance but also the United States share from the current 49 per cent to 33.3 per cent. The other four groups wanted to keep the proportion as it was, and three of these—the AFL-CIO, National Council of Churches, and ADA—wanted to increase the absolute amount contributed to the United Nations. Finally, the AFL-CIO and ADA proposed channeling development as well as technical assistance through the United Nations.

These expressions, which added up to a firm endorsement of foreign aid and a strong plea for more long-range development assistance, found their most sympathetic legislative audience within the Senate Foreign Relations Committee. Among the fifteen members of that body, seven of the eight Democrats (including only one from the deep South) and five of the seven Republicans generally supported the administration program. Only three members—Wayne Morse, Democrat of Oregon, Russell B. Long, Democrat of Louisiana, and William Langer, Republican of North Dakota—were sufficiently aroused to vote against the authorization bill recommended in the Committee's majority report.

In the Democratic contingent, the chairman, the extraordinary nonagenarian Theodore Francis Green of Rhode Island, has always been a stalwart friend of foreign aid. The strongest phalanx of Democratic leadership within the Committee in favor of the new program consisted of J. W. Fulbright of Arkansas, Hubert H. Humphrey of Minnesota, and John J. Sparkman of Alabama. Mike Mansfield of Montana and John F. Kennedy of Massachusetts voted with the majority but were inclined to be more critical of the program than some of their colleagues.

On the Republican side, William F. Knowland of California, was the most influential champion of the administration program despite the fact that he had not always played this role, particularly because of his determined defense of Nationalist China and his less than cordial attitude toward India. After Knowland, the most faithful and effective supporters of the administration line were Alexander Wiley of Wisconsin, the ranking minority member, George D. Aiken of Vermont, Homer E. Capehart of Indiana (who had never previously voted for foreign aid), and H. Alexander Smith of New Jersey. Bourke B. Hickenlooper of Iowa was decidedly less enthusiastic, and William Langer was frankly opposed.

The Committee's majority report, filed June 6, was an interesting marriage of the Special Committee and administration plans.[13] It embraced the new con-

[13] U. S. Senate, *The Mutual Security Act of 1957, Report of the Committee on Foreign Relations*, S. 2130, 85 Cong., 1 sess., Report No. 417.

cept of the Fund and, showing remarkable legislative restraint, recommended authorizing all of the money requested to operate the Fund, although Capehart and Hickenlooper tried to reduce the advance authorization for fiscal 1959 and 1960 from $750 to $500 million. The report was also gentle in recommending only modest cuts in the other major categories of assistance.

The majority approved the three-year authorization requested for the Fund despite an effort led by Mansfield to hold it to one year. They refused continuing authorizations for military assistance, defense support, and technical assistance and recommended, instead, a two-year authorization for the first two and one-year for the last. They agreed, however, that the funds for military assistance and defense support should remain available until expended. They also approved the recommended deletion of certain other quantitative limitations, although they proposed, at the behest of Senator George A. Smathers, Democrat of Florida, an additional $25 million of "special assistance" specifically earmarked for Latin America. And, to remind the Fund that the Congress would be carefully watching its first toddling steps, the report proposed that the administrator of the Fund be appointed only with the advice and consent of the Senate and that he furnish the Senate Foreign Relations Committee and House Foreign Affairs Committee a "report on each financing operation . . . involving more than $10 million . . . and involving an activity requiring longer than a year to complete."

Although the report accepted the administration view that the Fund should be established within the ICA, it attached to it an interdepartmental Advisory Loan Committee, with the apparent objective of making the Fund more independent of ICA Director Hollister, and to bring it closer to the Department of State as well as other related departments and agencies. The Committee was to consist of the Deputy Undersecretary of State for Economic Affairs, the widely respected C. Douglas Dillon, as chairman, the Chairman of the International Development Advisory Board, Eric Johnston, the administrator of the Fund, and representatives designated by the President from the Export-Import Bank, the Department of Agriculture, the Department of Commerce, the United States representation in the International Bank for Reconstruction and Development, and possibly others. Also added was the specific admonition that the Fund should "not compete with private investment capital, the Export-Import Bank, or the International Bank." Finally, the report recommended a gradual scaling down of the United States proportional contribution to the United Nations Expanded Program of Technical Assistance from the current 49 per cent to 45 per cent in 1958, 38 per cent in 1959, and 33 per cent in 1960.

Five days after the publication of the majority report, a blistering minority report was issued by the liberal, anti-administration, and very independent Senator Morse, generally supported by the other two dissident members of the Foreign Relations Committee, Senators Long and Langer.[14] Morse complained

[14] U.S. Senate, *The Mutual Security Act of 1957*, 85 Cong., 1 sess., Report 417, Part 2.

that the administration had perpetrated a "gigantic hoax" by pretending to accept the recommendation of the Special Committee but, in fact, had betrayed those recommendations in several significant respects. His principal charges were that the amounts approved for military assistance, defense support and special assistance were too high, that the fog of secrecy hid too much of the program from the public and Congress, and that there was too much erosion of legislative authority, especially in granting more than one-year authorization for any form of aid, including the proposed Fund.

The Senate completed its review of the committee recommendations in three days, beginning June 12. The general impression from a review of that debate is that the Foreign Relations Committee was remarkably successful in fending off all serious efforts to amend its proposed bill, in large measure because of the Special Committee's painstaking studies and strong support by both the majority and minority leaders, Senators Lyndon Johnson and William F. Knowland. The bill was finally approved by a vote of 57 to 25, 13 not voting, which indicates the general two-to-one advantage the majority enjoyed as it repulsed approximately a dozen threatening sallies against the Committee's recommendations.

Besides Johnson and Knowland, other Senators who played an active part in supporting the majority position were members of the committee who favored this stand—Aiken, Fulbright, Green, Humphrey, and Sparkman—as well as John Sherman Cooper (Republican, Kentucky), Jacob K. Javits (Republican, New York), and Richard L. Neuberger (Democrat, Oregon). The opposition was composed largely of conservative Southerners such as Long, Allen J. Ellender (Democrat, Louisiana), Herman E. Talmadge (Democrat, Georgia), Richard B. Russell (Democrat, Georgia), and Olin D. Johnston (Democrat, South Carolina), interspersed with a few Northern, largely Midwest, conservatives, such as William E. Jenner (Republican, Indiana) and George W. Malone (Republican, Nevada), and a small dissident liberal contingent.

As the bill then left the Senate to go to the House, it encountered a marked change of climate—from one of relatively sunny acceptance to stormy resistance. Buffeted by this hostile environment, the House Foreign Affairs Committee was forced far off the course set by the Senate Foreign Relations Committee. Lengthy hearings from May 22 to June 28[15] (twenty-three days longer than the Senate committee), were followed by contentious executive sessions. No final report emerged until July 9 (twenty-five days after the Senate had approved the bill). Only about a dozen of the thirty-two committee members were very active or effective in supporting the administration program. These were about evenly divided between the two parties and were all from the North, four from the East and the rest from the Midwest. The Democrats included: the chairman, Thomas S. Gordon of Illinois, A. S. J. Carnahan of Missouri, Clement J. Zablocki of Wisconsin, Brooks Hays of Arkansas, Barratt O'Hare

[15] *Mutual Security Act of 1957, Hearings before the Committee on Foreign Affairs*, 85 Cong., 1 sess., Parts I–VIII. On the general role of the House in this field, see the recent study by Holbert N. Carroll, *The House of Representatives in Foreign Affairs* (1958).

of Illinois, and Frank M. Coffin of Maine. The Republicans included: John M. Vorys and Frances P. Bolton of Ohio, Chester E. Merrow of New Hampshire, Walter H. Judd of Minnesota, James G. Fulton of Pennsylvania, Karl M. LeCompte of Iowa, and Albert P. Morano of Connecticut.

A group of five fairly junior and liberal Democrats (two from the Northeast, two from the South, and one from the Midwest) generally supported the concept of the Fund but wanted to go slowly by authorizing funds for only one year rather than three years. This group included Edna F. Kelly of New York, Wayne L. Hays of Ohio, Armistead I. Selden, Jr., of Alabama, Dante B. Fascell of Florida, and Leonard Farbstein of New York. About eight other members, all Northerners and predominantly Republicans, were relatively inactive. The hard core of the opposition, who voted against the bill recommended by the majority and issued a minority report of their own, consisted of two Democrats from the South and four Republicans from the Midwest. These were John L. Pilcher of Georgia, L. H. Fountain of North Carolina, Lawrence H. Smith of Wisconsin, Marguerite Stitt Church of Illinois, E. Ross Adair of Indiana, and Alvin M. Bentley of Michigan.

The principal effect of the majority report, which was approved by a vote of 22 to 6, was to accept the basic framework of the bill as it had been passed by the Senate but to reduce the authorizations for military assistance, defense support, and the amounts intended for the Development Loan Fund in fiscal 1959 and 1960; to broaden the advance authorization for military assistance but abandon it for defense support; and to narrow the membership of the Fund advisory committee and strengthen the influence of the Export-Import Bank, the Treasury and the ICA.[16]

The authorization for military assistance was reduced from $1.8 to $1.5 billion, and the advance authorization for fiscal 1959 was for "such sums as may be necessary" rather than for the specific amount of $1.5 billion approved by the Senate. The authorization for defense support was cut from $800 million to $700 million and, unlike the Senate, the committee provided no advance authorization for fiscal 1959. The Senate figure of $500 million for the Development Loan Fund was approved but, at a poorly attended meeting, the conservative wing plus the "go-slow" contingent succeeded in voting down the heart of the Fund concept—the advance authorization for $750 million to be raised in fiscal 1959 and 1960 by borrowing from the Treasury. After strenuous exertions from the Executive branch, enough support was mobilized to reverse this decision and approve the advance two-year authorization by 17 to 10, although the amount for each year was reduced from $750 to $500 million.

The committee also recommended, at the suggestion of Congressman Vorys, that the Fund advisory committee added by the Senate be authorized to "establish basic financial terms and conditions for . . . the Fund," rather than act merely in an advisory capacity. According to the explanatory language of the report, the committee was "intended to act in the capacity of managers

[16] U.S. House of Representatives, *Mutual Security Act of 1957, Report of the Committee on Foreign Affairs on S. 2130*, 85 Cong., 1 sess., House Report No. 776.

of the Fund. It would have authority to consider any or all loan applications [and] approve or deny them. . . . " In keeping with the Senate recommendations, the committee membership was to include the Deputy Under Secretary of State for Economic Affairs, as chairman, and a representative of the Export-Import Bank. Unlike the Senate version, however, the advisory committee was to include the Director of the ICA but not the chairman of the International Development Advisory Board or representatives of the Departments of Agriculture and Commerce, the United States delegation to the International Bank, or the Development Loan Fund itself. Finally, a specific provision was added that the Fund should be made subject to the co-ordinating role of the National Advisory Council on International Monetary and Financial Problems (NAC) whose chairman is the Secretary of the Treasury.

The majority report agreed with the Senate's one-year authorization for technical assistance but added, in an unexpected impulse of generosity, a provision allowing these funds to remain available until expended. It also increased the $250 million recommended by the Senate for "special assistance" by an additional $25 million.

Opposed to these majority views was the minority report, signed by the six dissenting committee members, which did not reject the aid program outright but declared that the signers could not "support the legislation in its present form." It proposed no precise alternatives but concentrated on the familiar criticisms: (1) that Congress was in danger of losing its control over the Executive branch because of advance authorizations, long-term availability of appropriations, and financing of the Fund by borrowing from the Treasury; (2) that "soft loans" would be disguised grants; and (3) that there was already $8.2 billion of unexpended balances that were available without appropriating any more funds.

Thus pruned, the bill was brought before the full membership of the House on July 15, where it was obvious that knives were being sharpened and that the pro-aid contingent could not provide a very effective shield. The opposition forces within the committee were now reinforced by others, especially Otto E. Passman of Louisiana, chairman of the Appropriations Sub-Committee on Foreign Operations and two of his colleagues in that body, J. Vaughan Gary of Virginia and Henderson Lanham of Georgia, who were influential leaders of the Southern Democratic opposition and were particularly nettled by the provisions that threatened to pluck important segments of the program from their committee's jurisdiction. Although Speaker Sam Rayburn of Texas had often gone to bat for foreign aid, he was well aware of the strong tide running against the program, particularly on the part of Southerners who were also angered by the administration's strategy on civil rights, and he refused to make one of his rare speeches, as he had the previous year, to save the administration's foreign aid measure from being maimed. Minority Leader Joseph W. Martin, Jr., of Massachusetts, and other Republican leaders fought the good fight like true party soldiers but could not prevent several enemy attacks from drawing blood. The administration compounded its difficulties by issuing a letter on

June 28 signed by Percival F. Brundage, Director of the Budget, which instructed all government agencies to restrict fiscal 1958 spending to the fiscal 1957 level. Many legislators considered this a usurpation of Congressional prerogative and an excuse for holding unwelcome appropriations at, or below, the 1957 level.

The first major salvo was fired by Representative Bentley of Michigan, a signer of the Foreign Affairs Committee minority report, who urged defeat of the advance authorization for military assistance for fiscal 1959. He was warmly supported by Passman, Gary, and Lanham, of the Appropriations Sub-Committee on Foreign Operations. The advance authorization was, of course, part of the plan endorsed by the Foreign Affairs Committee majority report to transfer military assistance as well as defense support to the regular Department of Defense budget. This would also, presumably, remove this part of the aid program from the Passman sub-committee and give it to another sub-committee. " . . . when a committee stands fast and watches expenditures carefully," Passman complained, "the people from downtown and the Pentagon will frequently do everything within their power to bypass that committee."[17] Vorys gallantly suggested how wounded egos might be healed. "What is really involved here," he said with refreshing candor, "is a little fuss about possible sub-committee assignments . . . if this were in the defense budget . . . you would have a new sub-committee and my guess would be that it would contain many members of the present sub-committee."[18] But to no avail. The Bentley amendment was approved by the overwhelming vote of 136 to 31.

The House next decided, by a vote of 155 to 74, to reduce the defense support authorization from the $700 million proposed by the Foreign Affairs Committee to $600 million. The third major test turned into a race between two amendments. One, introduced by John L. Pilcher, Democrat of Georgia and a signer of the minority report, proposed to eliminate the Development Loan Fund altogether. The other, introduced by Armistead I. Selden, Jr., Democrat of Alabama and a leader of the go-slow contingent, aimed at removing the Fund's borrowing authority for fiscal 1959 and 1960. This amendment, it will be recalled, had previously been adopted in committee and then reversed. When it became apparent that support for the Pilcher amendment was growing, the pro-Fund forces quickly decided, with the encouragement of Rayburn and Martin, to support the Selden amendment in order to rescue at least part of the Fund rather than lose all.

During this debate Passman and Gary lashed out against the proposed borrowing authority for the Fund as another administration "attempt to bypass the Appropriations Committee."[19] Vorys rose to say that because of the "parliamentary situation" he was compelled to accept the Selden amendment but gave the impression that he hoped to regain in the conference committee what he lost in the House. A New Deal Democrat and indomitable member of

[17] *Congressional Quarterly*, July 17, 1957, p. 10862.
[18] *Ibid.*, p. 10861.
[19] *Ibid.*, July 19, 1957, p. 11026.

the go-slow group, Edna Kelly of New York, warned Vorys that any such stratagem on his part would force her and others to support Pilcher. To plug this hole in the dike, Speaker Rayburn blandly covered Vorys by declaring he was certain the "gentleman from Ohio did not mean that he would not obey the House and stand by that amendment as long as possible." Fortunately for the administration, a ruling had also been obtained from the parliamentarian placing the Selden amendment before the Pilcher proposal, and the former was finally adopted by voice vote. The latter was then defeated by a vote of 86 to 126. At least one member of the Foreign Affairs Committee said later that he was certain the Pilcher amendment would have passed if it had been voted on first. The bill, as a whole, was adopted on July 19 by a vote of 254 to 154, with 24 not voting—a considerably smaller margin than in the Senate.

The last chapter in the decline, if not the utter fall, of the authorization bill was written in the conference committee appointed to reconcile the differences between the Senate and House versions. Contrary to the usual Solomon-like tendency of such committees to cut the difference approximately in half, here the scales were tipped in favor of the House. *The New York Times* on August 18 reported that: "Senator Fulbright charged that emasculation of the authorization bill on the House floor and [in] the conference committee was 'engineered' behind the scenes by a small group of powerful figures on the House Appropriations Committee." A day later the same paper quoted Fulbright as saying that, "Time after time conferees from the other house found it necessary to suspend action while they consulted with members of the House Committee on Appropriations."

The general effect of the conference committee deliberations was to split the money differences about evenly but to favor the House in restricting advance authorizations and in administrative aspects of the Fund. The conference committee proposed to authorize military assistance for fiscal 1958 of $1.6 billion, to remain available until expended, a sum $300 million less than the administration request, $200 million below the Senate bill, and $100 million above the House. The House was upheld, however, in not allowing any advance authorization for fiscal 1959. For defense support, the committee recommended an authorization for fiscal 1958 of $750 million (also no-year money), a sum $150 million less than the administration request, $50 million less than the Senate, and $150 million more than the House. And, again, the Senate bowed to the House in agreeing that there should be no advance authorization for defense support. Nothing was done, therefore, to facilitate transferring the appropriations for military assistance and defense support to the regular military budget.

As for the Fund, both houses had agreed to authorize an appropriation for fiscal 1958 of $500 million, to be available until expended, but had differed on the question of advance authorization. The compromise was to recommend an amount of $625 million for only one additional year, instead of two, to be financed by a no-year appropriation rather than by borrowing from the Treasury. The committee also agreed to language added by the House providing that the Fund should endeavor to "strengthen friendly countries by en-

couraging the development of their economies through a competitive free enterprise system; to minimize or eliminate barriers to the flow of private investment capital and international trade; [and] to facilitate the creation of a climate favorable to the investment of private capital." This was done in the face of a plea by the Executive branch that this directive should not be allowed to "cloud the clear expression of the basic policy and purpose of the Fund" by being inserted in the statement of objectives but should rather, if it had to be included, be cited as a "means to be used so far as practicable."

The House viewpoint also prevailed on certain administrative questions. The President was to establish a Loan Committee (consisting of the Deputy Under Secretary of State for Economic Affairs, as chairman, the Director of the ICA, and the Chairman of the Board of the Export-Import Bank), "under the foreign policy guidance of the Secretary of State, [to] establish basic financial terms and conditions for the operations and transactions of the Fund." Although this is all that is said about the Loan Committee in the authorization act, the conference report goes considerably further to say that, "The loan committee is intended to act in the capacity of managers of the Fund. It would have authority to consider any or all loan applications, approve or deny them, and establish the essential conditions and terms of each approved loan . . . it made and have the manager of the Fund as its chief executive officer."[20]

The conference report also accepted the House proposal that the operation of the Fund, which would be established within the ICA, should be subject to the co-ordination of the National Advisory Council. Furthermore, the accompanying explanatory passages added something rather important that never appeared in the legislation: that the "most effective arrangement for administering a long-range development loan program is a government corporation with substantial capital . . . under the policy direction of the State Department," that "action should be taken early in the next session of the Congress to establish such a corporate structure and that the executive recommendations for fiscal 1959 should be submitted to the Congress not later than the middle of next February."[21]

For special assistance, the final authorization language approved $250 million for fiscal 1958, an amount previously accepted by both the Senate and House. As much as $50 million of this could be used free of any other limitations contained in either the authorization or appropriation acts. An additional $25 million, to remain available until expended, which had been approved by both the Senate and House, was authorized to finance economic development in Latin America; and a minimum of $175 million of mutual security funds was required to be spent for surplus agricultural commodities to be sold for foreign currencies. Also authorized was the sum of $168.9 million, to remain available until expended, which had been approved by both the Senate and the House for technical assistance. And both houses had already decided that there

[20] House of Representatives, *Mutual Security Act of 1957, Conference Report*, 85 Cong., 1 sess., Report No. 1042, p. 5.

[21] *Ibid.*, pp. 4–5.

should be a gradual reduction of the rate of United States contributions to the United Nations Program of Technical Assistance from 45 per cent in calendar 1958 to 33 per cent in 1960.

As the Congress prepared to vote on the conference report and proceed to consider the appropriation bill, the President took the extraordinary step of inviting ten legislative leaders most directly concerned with the coming money debate (the leadership of both houses, the chairmen and ranking minority members of the two appropriations committees and the House Appropriations sub-Committee on Foreign Operations) to attend a White House meeting on the evening of August 12, the night before the Senate was to vote on the authorization bill and two days before the House Appropriations sub-committee was to vote on its report. As an indication of his "fervor," the President declared that he would be glad to give up part of his own salary to "meet the pressing need of adequate funds for foreign aid." The following morning, the President repeated his appeal in his regular weekly meeting with Republican leaders. Later that day, House Republican minority leader Joseph W. Martin, Jr., hinted at a sanction that legislators are peculiarly sensitive to—the possibility of a special session to consider a request for additional funds—but Senator Knowland said this was not "probable." That evening the Senate approved the conference report by a voice vote. The following day the House adopted the report by a vote of 226 to 163, the smallest margin in the ten-year history of the foreign aid program.

A few hours later the President signed the bill and used the occasion to call reporters into his office for an impromptu press conference to urge Congress to appropriate the full amount authorized or face the possibility of a special session in the fall. The Democrats rebelled at this "threat." Senator Lyndon Johnson was reported as saying that he did not think members of Congress "would be influenced by . . . a suddenly called news conference." The consensus of Congress was described to be that the President "threw his weight into the battle much too late and in the wrong way."[22]

VII. THE APPROPRIATION ACT

The final act of the drama, which centered around the companion Mutual Security Appropriation Act for fiscal 1958, sharply illustrates how great the distance can be between the two extremities of the Capitol, how crucially the appropriation process can affect foreign policy, and how dominant a role in this process can be played by the House Committee on Appropriations and its litter of subcommittees. Of the thirty Democrats on the Appropriations Committee in 1957, thirteen were from the South and nine from the Midwest. Of the twenty Republicans, only two came from Southern states, and ten from the Midwest. The Chairman, Clarence Cannon of Missouri, is seventy-eight, has been a member of the House since 1921, and in recent years has expressed himself as being increasingly critical of foreign aid.

[22] *New York Times*, Aug. 18, 1957.

Under the mother committee, each sibling subcommittee has great leeway in its own backyard. The Subcommittee on Foreign Operations is no exception. Significantly, the Chairman of the Subcommittee, Otto Passman of Louisiana, was selected by Chairman Cannon in preference to several other members of the subcommittee who had greater seniority and were generally more favorable towards foreign aid. Passman had voted against all foreign aid authorization acts and all related appropriation acts before he became chairman of the subcommittee.

Of the six other Democratic members of the subcommittee, four were from the South. None of these, however, seemed as adamantly opposed to the program as the Chairman. Three of them (J. Vaughan Gary of Virginia, Henderson Lanham of Georgia, and William H. Natcher of Kentucky) had generally supported foreign aid, while Hugh Q. Alexander of North Carolina had never strongly opposed it. Gary, the most influential of all the Democratic members, including the chairman, was under pressure from the tobacco growers to stop foreign competition. As Chairman of the Appropriations Subcommittee on the Post Office Department, he was also annoyed with the administration policy in that field, and he was sincerely outraged by the proposal to substitute borrowing authority for the appropriation process. The other two Democrats were Northerners and ardent New Dealers, John J. Rooney of New York and Winfield K. Denton of Indiana, but the latter was especially critical of the administration.

On the Republican side were one Southerner, one Midwesterner, and two from the Northeast. John Taber of New York and Richard B. Wigglesworth of Massachusetts have generally been cool towards foreign aid. Taber was now willing, however, to support a Republican President, and Wigglesworth had been strongly impressed by the world trip in 1955. General R. Ford, Jr., of Michigan, was young, able, and an energetic supporter of the program. Edward T. Miller of Maryland has generally voted for the majority proposal.

As the program had germinated during the spring, there had been virtually no executive consultation with either the House or Senate Appropriations Committees, as there had been with the two foreign relations committees. This was due to a combination of factors including the traditional reluctance of the appropriations committees to encourage such contact, the assumed dominance of the foreign relations committees in the foreign aid field, and the late submission of the administration proposals. As Passman and his friends collaborated with the opposition in the House Foreign Affairs Committee to cut the authorization, the President began belatedly, on August 12, to invite people to the White House for intimate meals garnished with pep talks. Only two days after Eisenhower mounted his counterattack, however, the subcommittee dealt the administration a staggering blow by insisting that all appropriations, except those for the Fund and some special assistance, be made available for only one year instead of indefinitely; by recommending appropriations far below those authorized; by proposing that the rate of contributions

to the United Nations Technical Assistance Program be reduced immediately from 49 to 33 per cent; and by reinserting the proviso, which had been strongly criticized in the various studies, that not more than 20 per cent of any appropriation item, except the Loan Fund and general special assistance, could be obligated during the last two months of the fiscal year.[23]

The most powerful weapon of this report was the confusing "numbers game" it initiated by calling attention to large amounts of "unexpended funds" without emphasizing that most of these funds had already been obligated and therefore were not available to finance new activities. The report proclaimed that $6,195 million of unexpended funds were outstanding as of June 30 which, it was alleged, could support the program "well beyond January 1959" without any additional appropriations. What was not stressed was that only $614 million of the unexpended funds were actually unobligated and therefore free for new obligations. And, of the unobligated balance, $574 million had been appropriated for military assistance and defense support. The specific amounts recommended for individual categories of aid are discussed below in connection with the conference report.

The report adopted by the subcommittee on August 14 was hastily ratified only a day later by the full Appropriations Committee without intensive review. Greatly agitated by this report, the President issued another appeal just as the Appropriations Committee was approving the offending proposals. "The President is gravely concerned over these cuts" rumbled the White House release. "In the conviction that the national interests of this country are deeply involved, he sincerely hopes that final congressional action will restore the amounts authorized by the Congress." To convey this message to the right legislative nerve endings, key White House liaison men, including General Wilton B. Persons, I. Jack Martin, former administrative assistant to the late Senator Robert Taft, and Bryce Harlow, executive-legislative specialist, hustled to the "Hill" to do their best.

Undaunted by these eleventh-hour thunderbolts, the House proceeded to adopt the subcommittee report on the same day it was approved by the Appropriations Committee and without any alteration. Under the prodding of the President, Republican stalwarts, such as Minority Leader Martin, Charles A. Halleck of Indiana, and John Taber of New York, took the floor to attempt to pump more money into the greatly deflated program, and they were generally supported by a two-to-one ratio among the Republicans except in the Midwest where 58 per cent of the Republicans voting opposed the administration. The Democrats voted for the bill as a whole by a similar margin despite the fact that 64 per cent of the Southern Democrats went the other way. Despite a long record of supporting foreign aid, Speaker Rayburn not only took no positive action to help the pro-aid forces but quietly worked for the defeat of certain administration proposals. There is evidence to suggest that

[23] House of Representatives, *Mutual Security Appropriation Bill, 1958 . . . Report*, 85 Cong., 1 sess., Report No. 1172.

Rayburn was originally prepared to work to improve the bill but that he changed his mind when he saw how strong a tide was running against him and especially as a result of the President's threat to call a special session.

Congressmen Passman, Gary and Lanham led the fight to defend the subcommittee's recommendations and made telling use of their emphasis on the large balance of unexpended funds; the pro-aid forces never succeeded in dispelling the fog of confusion. It was during this debate that Passman frankly revealed one means that he had used to influence members of the Foreign Affairs Committee in conference. He had told them that, if they would not compromise on the Loan Fund (*i.e.*, not agree to a larger amount or provide any advance authority), the subcommittee would recommend a sizeable amount. Consequently, many members of the Foreign Affairs Committee felt betrayed. Three Republicans (Taber, Flood, and Wigglesworth) offered three amendments to increase the amounts proposed for military assistance, defense support, and the Loan Fund, respectively, but all were defeated. The largest voting support was 123 for an increase in military assistance, and the least, 101, for an increase in the Fund. The bill as a whole was finally adopted on August 15 by a vote of 252 to 130, with 49 not voting.

As the Senate Appropriations Committee then prepared to deal with the bill, the administration brought its biggest guns into action to try to recover lost ground. A powerful delegation composed of Secretary of State Dulles, Director of the ICA Hollister, the former Chairman of the Joint Chiefs of Staff, Admiral Arthur Radford, and the new Chairman, General Nathan Twining, made a strong plea to the committee on August 19 to recommend all the funds anticipated in the authorization act. Admiral Radford made the blunt statement, "Reading the record of the debate . . . last week in the House of Representatives, I am appalled . . . that we have not been able to put this program in its proper perspective before the American people."[24] The same day, Speaker Rayburn revealed that the President had invited him to breakfast to solicit his assistance and that Rayburn had replied in decidedly lukewarm terms, " . . . if they [the Senate] added something, and if I was convinced it was necessary, I would try to help."[25] The following day, August 20, the President put on a brave front and said he hoped the Senate would put back "every cent" of the amount that the House had recommended cutting from the sums authorized.

On the day the Appropriations Committee was to vote on its report, August 26, Senator Lyndon Johnson was also invited to breakfast at the White House, and he announced afterward that he would support an increase over the House appropriation bill of approximately $500 million, which turned out to be a remarkably accurate estimate of what the committee approved later that day. It is interesting to note that although his position and personal talents enabled him to exert extraordinary influence over the legislative traffic, he did not

[24] *New York Times*, Aug. 20, 1957.

[25] *Ibid.*

publicly take this stand to support a significant increase in the foreign aid appropriation until he had been able to hammer out a final compromise on the civil rights bill only three days before. The Southerners had a far livelier interest in civil rights than foreign aid, and Johnson's bargaining power was undoubtedly enhanced by the fact that the foreign aid legislation was always kept one step behind the civil rights legislation up to the very end.

The Senate Appropriations Committee frequently performs the statesmanlike, and thankless, task of voting more generous funds than have been approved by a more parsimonious House. And, in this case, the executive branch was pulling every string available. A quick glance at the general orientation of the committee membership indicates that it was, on the whole, more favorably disposed towards the foreign aid bill than the House, although, as in the House, the strongest opposition came from Southern Democrats and Midwestern Republicans.

Unlike the Chairman of the House Appropriations Committee, Chairman Carl Hayden, of Arizona, is a person who generally supports foreign aid. Senator Lyndon Johnson towered above all the others in determining basic strategy and tactics. Other Democratic supporters were Spessard L. Holland of Florida, John O. Pastore, of Rhode Island, Dennis Chavez of New Mexico, Lister Hill of Alabama, and Warren G. Magnuson of Washington. The strongest opponent among the Democrats was Allen J. Ellender of Louisiana, supported by Richard B. Russel of Georgia, John Stennis of Mississippi, John L. McClellan of Arkansas, and A. Willis Robertson of Virginia. On the Republican side, Senator Knowland led the fight for the bill. Those who supported him included Styles Bridges of New Hampshire, Margaret Chase Smith of Maine, Everett McKinley Dirksen of Illinois, Leverett Saltonstall of Massachusetts, Edward J. Thye of Minnesota, Karl E. Mundt of South Dakota, Charles E. Potter of Michigan, and Irving M. Ives of New York. Only two Republican members of the committee were strongly opposed: Henry C. Dworshak of Idaho and Milton R. Young of North Dakota.

The committee report, which was approved by the comfortable majority of 14 to 7 and was issued on August 26, recommended a total increase of $500.9 million above what the House had approved for all major categories of aid, as well as authorizing most of these funds to remain available until expended. The Committee also recommended striking out the House proviso limiting the United States contribution to the United Nations Technical Assistance Program to 33.3 per cent in calendar 1958, leaving in effect the more gradual reduction provided for in the authorization act. The committee further proposed removing the House limitation against year-end obligations.

On August 27, the day after the committee had issued its report, the Senate approved all these recommendations under the firm leadership of Senators Johnson and Knowland. To reinforce the views of the committee, Senator Knowland reported, after a conference between the President and the Republican congressional leaders, that the President could "do the job with those funds until Congress reconvenes in January," thereby erasing the threat of a

special session.[26] The bill, as reported by the Appropriations Committee, was then adopted by the strong majority of 62 to 25, with 8 not voting.

In a final end-of-the-session sprint, the contest was quickly concluded as the Senate and House conferees reached a decision in one day, August 28, thus demonstrating how quickly legislative minds can come together when vacations are beckoning. The conferees for the House included all members of the Appropriations Subcommittee on Foreign Operations, headed by Congressman Passman. The conferees for the Senate included the more senior members of the Senate Appropriations Committee, led by Chairman Hayden. The initial attitude of Congressman Passman was made clear when he told reporters that the Senate increases were the result of "a lot of breakfasts at the White House and a terrific amount of pressure from the top echelons," and he predicted that his colleagues would "never" agree to such increases.[27] The Senate leadership was equally determined to squeeze some additional dollars out of the House, and so, after five hours of haggling, the Conference Committee managed, as is so frequently the case, to come close to splitting the differences between the two chambers.

The final total of new appropriations agreed to was $244 million above the House figure and $256.9 million below the Senate version. This compromise represented major increases over the House amounts for military assistance, defense support, and special assistance, but not for the Development Loan Fund or technical assistance. The Senate also surrendered to the House in agreeing that defense support, technical assistance, and special assistance should be available for fiscal 1958 only. Both houses had previously agreed that the appropriation for the Loan Fund was to remain available until expended, and they compromised now to allow military assistance to remain available an additional six months beyond the end of the fiscal year. The House also succeeded in gaining acceptance of the provision that, except for general special assistance and the Fund, not more than 20 per cent of any appropriation item should be obligated during the last month of its availability; the House had originally wanted this proviso to apply to the last *two* months of the *fiscal year*. The Senate, on the other hand, was able to persuade the House to withdraw the requirement that the rate of United States contributions to the United Nations Expanded Program of Technical Assistance be immediately reduced to 33.3 per cent.

The specific amounts agreed to by the Conference Committee were as follows: for military assistance, $1,340 million of new money ($90 million above the House and $135 million below the Senate) plus an unobligated balance of $538 million to be reappropriated; for defense support, $689 million ($104 million above the House and exactly what the Senate had previously approved) plus an unobligated balance of $36 million; for the Development Loan Fund, $300 million (just what the House had approved and $100 million less than the

[26] *New York Times*, Aug. 28, 1957.
[27] *Ibid.*

TABLE I. MUTUAL SECURITY PROGRAM, FISCAL YEAR 1958[7]

(In thousands of dollars)

	Appropriation 1957	1958 authorization				1958 appropriation			
		Request	Senate	House	Conference	Estimate	House	Senate	Conference
Military assistance:									
Appropriation	2,017,500	1,900,000	1,800,000[1]	1,500,000	1,600,000	1,600,000	1,250,000	1,475,000	1,340,000
Unobligated and unreserved balance	195,500	[2]	[2]	[2]	[2]	538,800	538,800	538,800	538,800
Total, military assistance	2,213,000	1,900,000	1,800,000	1,500,000	1,600,000	2,138,800	1,788,800	2,013,800	1,878,800
Defense support:									
Appropriation	1,161,700	900,000	800,000[3]	600,000	750,000	750,000	585,000	689,000	689,000
Unobligated balance	—	—	—	—	—	—	36,000	36,000	36,000
Total, defense support	1,161,700	900,000	800,000	600,000	750,000	750,000	621,000	725,000	725,000
Development assistance									
Appropriation	250,000	—	—	—	—	—	—	—	—
Unobligated balance	—	[2]	[2]	[2]	[2]	52,000	52,000	52,000	52,000
Total, development assistance	250,000	—	—	—	—	52,000	52,000	52,000	52,000
Development loan fund	—	500,000	500,000[4]	500,000	500,000[5]	500,000	300,000	400,000	300,000
Technical Cooperation:									
General authorization:									
Appropriation	135,000	151,900	151,900	151,900	151,900[6]	151,900	113,000	114,900	113,000
Unobligated balance	—	—	—	—	—	—	12,000	12,000	12,000
Total general authorization	135,000	151,900	151,900	151,900	151,900	151,900	125,000	126,900	125,000
United Nations Program	15,500	15,500	15,500	15,500	15,500	15,500	15,500	15,500	15,500
Organ. of American States	1,500	1,500	1,500	1,500	1,500	1,500	1,500	1,500	1,500
Total Technical Cooperation	152,000	168,900	168,900	168,900	168,900	168,900	142,000	143,900	142,000
Special assistance, general authorization	—	300,000	250,000	250,000	250,000	250,000	175,000	225,000	225,000
Other Programs	230,670	75,733	98,433	97,933	98,113	141,760	113,010	133,010	113,010
Total mutual security:									
Appropriation	3,766,570	3,844,633	3,617,333	3,116,833	3,367,083	3,386,860	2,524,760	3,025,660	2,768,760
Unobligated balances	240,800	614,600	614,600	614,600	614,600	614,600	667,050	667,050	667,050
Total	4,007,370	4,459,233	4,231,933	3,731,433	3,981,683	4,001,460	3,191,810	3,692,710	3,435,810

[1] Also authorized $1,500,000,000 for fiscal year 1959.
[2] Unobligated balances authorized to be continued available.
[3] Also authorized $710,000,000 for fiscal year 1959.
[4] Also authorized additional $750,000,000 borrowing authority for each of fiscal years 1959 and 1960.
[5] In addition, $625,000,000 authorized for fiscal year 1959 on no-year basis.
[6] Authorized to remain available until expended.
[7] Based on a table in the *Congressional Record*, Aug. 29, 1957, p. 15050.

Senate figure) plus an unobligated balance of $52 million; for technical assistance, $113 million (what the House had approved and $1.9 million less than the Senate amount) plus an unobligated balance of $12 million; and for special assistance, $225 million ($50 million greater than the House figure and the same as the Senate figure). The accompanying table reviews in summary form how these amounts evolved through the authorization and appropriation process.

In the frenetic closing hours of the session, the Senate first passed the civil rights legislation following an unwelcome demonstration of forensic endurance by Senator Strom Thurmond of South Carolina. Then came the decision on foreign aid, at midnight on August 29, as very much of an anticlimax with no significant debate and only a voice vote. Senator Alexander Smith of New Jersey was not too limp, however, to express the view, held by many senatorial friends of the aid program, that "there are those in the House and especially the House Appropriations Committee who are determined to destroy the mutual security program. The matter needs our immediate attention and at the beginning of the next year we must press the fight vigorously to present to the American people the issue involved."[28]

The House approved the conference report the following morning, August 30, the last day of the session, with only perfunctory debate. Representative Passman justified the concessions he had reluctantly approved by calling attention to the relationship between the civil rights and foreign aid negotiations. "I trust the membership will not take offense at this statement, but in reality this is a combination bill . . . it is the mutual security-civil rights appropriation bill for fiscal year 1958. A great many of you know exactly what I am implying."[29] He was implying that he and others had felt compelled to give ground on the foreign aid bill because of considerations related to the civil rights bill, although no one was so *gauche* as to spell this out in public. After these and a few other reflections on the bill, the House approved the conference report by the feeble majority of 194 to 122, with the large number of 115 not voting.

VIII. IN RETROSPECT

The temptation in looking back over the 1957 episode, is to read too much or too little into it. The analysis given does little more than lay bare the skeleton of the story. Yet there is enough here to warrant at least a few tentative conclusions, especially when this experience is compared with the results of other analyses.[30] The main question is the basic significance of these events in relation

[28] *Congressional Record*, Aug. 29, 1957, p. 15049.

[29] *Ibid.*, p. 15253.

[30] See Daniel S. Cheever and H. Field Haviland, Jr., *Americal Foreign Policy and the Separation of Powers* (1952); Bernard C. Cohen, *The Political Process and Foreign Policy, The Making of the Japanese Peace Settlement* (1957); Cecil V. Crabb, Jr., *Bipartisan Foreign Policy, Myth or Reality?* (1957); Robert A. Dahl, *Congress and Foreign Policy* (1950); George L. Grassmuck, *Sectional Biases in Congress on Foreign Policy* (1951); and H. Bradford Westerfield, *Foreign Policy and Party Politics* (1955); Carroll, *op. cit.*

to both the process by which they were handled and the issues around which they revolved. Within the limited space available this can be approached by considering, in turn, the principal ingredients of the experience—the major actors involved, the institutional framework within which they operated, and the objectives and policies with which they were concerned.

While this analysis has focused primarily on the players in the center of the field, one should not forget the crowd in the stands whose cheers and boos determined the general atmosphere of the contest. The evidence gathered here seems to confirm conclusions reached in other studies: that the great majority of the public are not very well informed about foreign affairs, that their interest in the subject is likely to follow the fever chart of world crises in the news, and that it is a small educated minority who keep themselves the best informed and are the most internationally minded.[31] In this case, there appeared to be a general decline in support for economic aid from the height of enthusiasm for the Marshall Plan and for military aid at the time of the Korean conflict. In the spring of 1957, there seemed to be a sudden wave of support for the economy drive—closer to the core of public interest than foreign aid—which was only partially offset by the President's counter-offensive and not really stemmed until the sputnik crisis exploded, too late to affect 1957 legislation. Of course the most influential segments of public opinion were the organized interest groups. The range of views expressed by the more important of these groups, summarized above, seemed to be somewhat more internationally inclined than the pattern of public opinion as a whole, but the net effect was skewed toward the conservative side by the weighty impact of the Farm Bureau Federation and the Chamber of Commerce.

Turning to the government itself, this case study highlights the conclusion that, despite the powerful "veto" function of the Congress, as well as the stimulating effect of the special legislative studies, the executive branch had the advantage of the initiative, supported by tremendous staff and intelligence resources. Behind the facade of the "administration position," however, were important and continuing differences within and among the principal departments and agencies concerned, usually related to vested institutional interests and closely tied to parallel differences within the Congress and the general public.

The department of State has often faced heavy competition in its own foreign policy preserve, but in this instance it proved to be a vigorous and skillful leader in developing and promoting the new program. The center of that leadership lay primarily at the upper levels of the Department in the Office of the Secretary, the Under Secretary, the Assistant Secretary for Policy Planning, the Assistant Secretary for Congressional Relations, and the Deputy Under Secretary for Economic Affairs. Those who seemed to be more interested

[31] For particularly relevant studies, see Gabriel Almond, *The American People and Foreign Policy* (1950); Cohen, *op. cit.*; Dahl, *op. cit.*; Thomas A. Bailey, *The Man in the Street* (1948); Samuel Lubell, *The Future of American Politics* (1952); and Lester Markel (ed.), *Public Opinion and Foreign Policy* (1949).

in "economy" than in a bolder program of economic development were Secretary of the Treasury Humphrey, Under Secretary of State Hoover (until he departed in February 1957), and Director of the ICA Hollister. Others, particularly in the ICA, tended to resist the new program because they thought excessive reliance was being placed on loans and because they doubted the wisdom of giving greater control over military aid to the Defense Department.

Relations between the Departments of State and Defense seemed to be improved, but there remained serious conflicts over basic doctrine, the size of the military aid program, and the co-ordinating process. The uppermost policy-making apparatus, centering around the National Security Council, provided broad directives to guide the general aid effort as well as individual country programs but did not seem to operate very effectively in helping to provide continuous, detailed, intensive, and integrated analysis and direction of the program. On the top rung of the executive ladder, the President exerted considerable influence when he first announced his proposals in the May television address and then late in the debate as the House Appropriations Committee threatened to cut the heart out of the program, but the White House was not continuously active during the fight. Furthermore, the early voluntary reduction of the request by $500 million, the late submission of the final proposals, the inadequate advance consultation with the appropriations committees, and the "Brundage letter" instructing executive agencies to hold fiscal 1958 spending within the fiscal 1957 limits, were serious mistakes as far as the Congress was concerned.

This brings us to the rival establishment at the other end of Pennsylvania Avenue. If this analysis has emphasized anything, it is the peculiarly decisive role that the Congress can, and usually does, play with regard to foreign policy issues such as foreign aid that depend on the appropriation process. It provides added support for the view that the thorniest decision-making problem facing the executive is how to develop an effective relationship with the "Hill." Against the background of what has already been said about the political climate of 1957, particularly the preoccupation with civil rights and the economy drive, as well as the successive hurdles in the path of the legislation, the intent here is to venture certain general observations bearing on the impact of legislative structure and process.

To understand that structure and process, it is basic to comprehend the major individual and group interests that animate the Congress. This tremendously complex and difficult task, even in the limited field of foreign aid, is not advanced by oversimplification. The present study, for example, has demonstrated that the Congress, like the executive branch, did not divide simply into two main camps, for and against the administration program. Even using the most general kind of classification, at least four major schools of thought can be clearly distinguished within each house and each party. One group, weighted on the side of Eisenhower Republicans, favored the executive proposals as a whole. Another group, containing a large element of liberal Democrats (including Senators Fulbright, Humphrey, and Sparkman) favored

economic aid more than military aid. Another contingent, composed chiefly of the more conservative Republicans and Democrats, wanted more military aid and less economic aid. A fourth group considered it their duty to suppress the whole program. And within each of these segments there were numerous variations.

A brooding omnipresence over all these diverse interests was the national party system. While American parties continue to be flexible enough to accomodate very strange bedfellows, the evidence collected here confirms the findings of some other studies in the foreign policy field: that the parts have a collective interest in the welfare of the whole party and that what happens to the whole affects all of the parts, some more than others.[22] For example, one of the most noteworthy aspects of the 1957 debate, as indicated in the accompanying table, was the marked defection of Southern Democrats with regard to foreign aid, as well as minor retreats in other regions, compared to the earlier years of 1946–1950 for which comparable figures are available. Among the factors responsible for this, certainly a major one was the fact that the Democrats no longer controlled the White House and therefore lacked the important unifying leadership of the Chief Executive. The other side of this coin was the greatly increased support given the administration by the Republican Party. It is also apparent that party swings were generally greater in the House than in the Senate, largely because of the shorter terms and wholesale elections in the House.

This analysis also throws additional light on certain regional characteristics that make for significant differences within each party and certain uniformities that cut across party lines in some areas. Perhaps the most striking of these is that in 1957, as previously, the principal centers of anti-foreign aid sentiment were among Southern Democrats and Midwestern Republicans. The representatives of both parties from the Mountain states were also weak in their support of the administration on this issue. On the other hand, the largest percentage of favorable votes continued to be concentrated among members of both parties in the Northeast and Pacific States and among Democrats in the Midwest.

What about the Congressional structure and process through which these varied interests flowed? The impressive tradition, talent, intimacy, and broad outlook of a large segment of the Senate still make it the more internationalist house on foreign policy questions, and the Foreign Relations Committee remains the inner sanctum of "the Citadel" on such matters. In this case, if that committee had not educated itself and other influential people by means of its series of thorough studies, supported by good staff work and close relations with the executive branch, the pro-development forces within the administration would have been greatly handicapped and foreign aid would have suffered far greater defeats in the face of the economy campaign. Though joint enterprises such as the Special Committee to Study the Foreign Aid Program

[22] See Grassmuck, *op. cit.*; Westerfield, *op. cit.*

TABLE II. SUPPORT FOR FOREIGN AID IN EACH PARTY AND REGION:

Proportion of Congressmen in Each Party and Region Who Supported Foreign Aid Bills

Year			N. East[3]	South[4]	Mid-west[5]	Moun-tain[6]	Pacific[7]
1957[1]	Senate	Democrat[1]	80	43	100	77	88
		Republican	96	—	71	53	100
	House	Democrat	100	32	87	73	97
		Republican	85	50	37	71	70
1949–50[2]	Senate	Democrat	91	72	87	78	92
		Republican	60	—	34	19	47
	House	Democrat	90	75	92	87	90
		Republican	45	38	24	24	46
1947–48[2]	Senate	Democrat	100	84	98	81	100
		Republican	83	21	67	55	96
	House	Democrat	96	78	94	89	91
		Republican	70	24	41	59	76
1945–46[2]	Senate	Democrat	91	78	90	77	96
		Republican	71	—	36	9	51
	House	Democrat	92	86	96	86	98
		Republican	65	29	41	47	66

[1] All figures for 1957 indicate the average percentage of support given to foreign aid bills by members of that party in that region, including recorded, announced, and paired votes. This analysis is based on the approach used in Westerfield, *op. cit.*, including the same regional categories.

[2] These figures are taken from Westerfield.

[3] The Northeast region includes: Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont.

[4] The Southern region includes: Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Virginia.

[5] The Midwestern region includes: Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, West Virginia, and Wisconsin.

[6] The Mountain region includes: Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Utah, and Wyoming.

[7] The Pacific region includes: California, Oregon, and Washington.

are not easy to arrange, this one proved quite successful in helping to promote more effective relations among the Foreign Relations, Armed Services, and Appropriations Committees which paid off in the final result. Also helpful was the constructive relationship that developed, after a slow start, between the

Democratic leadership, under the astute captaincy of Senator Johnson, and the administration.

The larger, more partisan, and less experienced House of Representatives was less well-equipped to deal with foreign affairs; yet its influence, especially where the purse was concerned, proved tremendously important. The House Foreign Affairs Committee seemed to have greater difficulty than its Senate counterpart in working with the Appropriations Committee and in influencing the full membership of its parent chamber. The leadership of the Appropriations Subcommittee on Foreign Operations of the several committees involved, took the most extreme position against the administration program. By the peculiar nature of the House appropriation process, the Subcommittee's recommendations were adopted without rigorous review and in opposition to the weight of informed opinion inside and outside of Congress.

Now a word on bipartisanship. The facts in this situation show a substantial degree of cooperation between the Senate Democratic leadership and the administration, but less in the case of the House Democratic leadership. There are those who argue that bipartisanship is dangerous and should be discouraged, but the evidence here suggests that the degree of bipartisanship achieved helped to produce a more rational policy in harmony with the preponderance of informed opinion. There are also those who argue for something called "extraparitsanship"—collaborating with friends among the enemy without making enemies of your friends. Although this definition fits what the leadership of both parties tried to do in the Senate and to some extent in the House, the word may be misleading because it seems to imply that party loyalites, personnel, and institutions are not involved, which is contrary to fact. On the whole, this study confirms the conclusion that the development of consultation, confidence, and cooperation between the leadership of the two parties is a necessary means of surmounting serious conflicts within each of the parties in order to mobilize a broad base of consensus to support major foreign policy positions.

Finally, what was the impact of this episode on the substantive issues involved? The new statement of objectives, which related development assistance to the national interest, was accepted with little serious examination by the Congress. Still the most frequent argument to shore up the program was its military, not its economic, effect. "Do we want to send more American boys abroad, or . . . rather spend . . . $105 for a Turkish soldier?" demanded House Minority Leader Martin.[33] Congress also continued to insist on provisions that could conflict with sound long-range economic development, including what the administration thought was excessive emphasis on private enterprise, the promotion of surplus disposal, and various other limitations restricting administration discretion. In the vital matter of translating policy into money, the administrative requested that 11 per cent of the aid appropriation be designated specifically for development purposes, compared to six per cent the year before; the final figure came to ten. The total amount of new

[33] *Congressional Record*, August 15, 1957, p. 13517.

money plus unobligated balances appropriated for all forms of aid was $3,435 million, $571 million less than the year before.

Congress was particularly adamant in refusing any significant relaxation of the restrictions by which the legislature has traditionally sought to control the executive. In accord with the great majority of the preparatory studies, the administration had proposed more extended authorizations, longer availability of funds, permission for the Loan Fund to avoid the appropration process by borrowing from the Treasury, and the removal of various other limitations. But a preponderance of Congressmen, whether liberal or conservative, Democratic or Republican, showed that they were quite unprepared to allow this degree of executive freedom. One should not, however, underestimate the modest changes that were approved, *i.e.*, the granting of a few months of additional availability for military assistance and certain other forms of aid, the acceptance of a one-year advance authorization and unlimited availability for the Fund, and the conference recommendation that the Fund be established as a government corporation which could, if Congress so desired, give it much greater maneuverability. Regarding methods of financing, the upshot was that the Fund was to be dispensed entirely in the form of loans; "soft" loans were permitted but not encouraged. If grants were to be made, they had to be justified under the military program or special assistance.

As for the relationship between the economic and military programs, a view shared widely by both liberals and conservatives was that the military segment, including the military part of defense support, should be transferred to the regular Defense budget, without changing the administrative pattern. Many of the special reports, including the Millikan-Rostow study, supported this view on the ground that economic aid would be most effective and acceptable if it were administered according to more strictly economic criteria, undefiled by military and political considerations. Another view, voiced particularly by former Congressman Richards, previous chairman of the House Foreign Affairs Committee, was that to transfer military aid to the Defense budget would simplify the task of his committee, would make the economic program seem more modest, and would compel the military to assume greater responsibility for the military program. On the other hand, there was the opposing view that the two aspects of the program were, and had to be, so closely related that the proposed transfer might tend to hamper effective coordination of the two, and that other alleged advantages were probably exaggerated. Finally, the members of the congressional committees, especially the House Appropriations Subcommittee on Foreign Operations, which were charged with reviewing the aid legislation, showed increasing reluctance to let go of the military program. Thus Congress rejected the proposed shift except for placing the "economic" part of defense support in the Development Loan Fund. It is an interesting speculation whether the number of agency and appropriation pockets in which foreign aid funds are put will of itself tend to affect the total amount granted.

Regarding administrative arrangements, numerous conservatives and liberals agreed that there had not been very effective interdepartmental coordination, and many, particularly Senator Mansfield and the Fairless group, wanted to merge the ICA more closely with the Department of State. Another view, expressed by the Millikan-Rostow report, Paul Hoffman, and the Senate Special Committee, proposed establishing the economic program as an independent operation apart from the ICA. But ICA Director Hollister wanted to hold on to his jurisdiction and Secretary Dulles agreed with him, perhaps to keep this large and troublesome "operating" responsibility outside the Department of State. Against this background, the administration called for a Loan Fund to be created within the ICA but without moving the ICA closer to State or altering the coordinating mechanism. Congress accepted much of the Fund concept, but the authorization conference report asked that the Fund be converted into a corporation. Congress also added an advisory committee to place the Fund more under the wing of the Departments of State and Treasury and the Export-Import Bank. Finally, special emphasis was placed on the "foreign policy guidance of the Secretary of State."

The last and probably the least carefully considered issue dealt with the utilization of multilateral organizations. Internationally minded groups called for increased contributions to the United Nations Expanded Program of Technical Assistance, and a few organizations wanted to channel developmental soft loans and grants through the United Nations. The Millikan-Rostow report compromised by recommending an international advisory council that would inquire, discuss and recommend, but not operate. A large contingent, including the Fairless group, the Senate Special Committee, and former Congressman Richards, wanted to maintain the contribution to the United Nations program at approximately the current level. At the same time, a strong movement developed in Congress to reduce the proportionate share contributed to the United Nations, and a small group wanted to reduce the absolute amount of the contribution. Congress finally approved the current level but called for the ultimate reduction of the share to 33 per cent by 1960.

If one can assume that effective democratic government not only should be responsive to the will of the greatest number but should also heed the judgments of the informed minority, the experience reviewed here must be considered far less than perfection but something better than failure. The 1957 aid legislation stopped far short of the goals advocated by the majority of expert reports, but it came closer to the mood of the most influential interest groups and the general public. The greatest deficiencies revealed by this study are not a lack of expert opinion or potential receptivity on the part of the public, but the absence of sufficient executive leadership with regard to both the public and the Congress, and great unevenness in the performance of Congressional leadership and committees. The President has the strongest potential influence of all, and he might well use it more vigorously and consistently on matters such as foreign aid, particularly in promoting close bipartisan relations

with the Congress. Although the legislature is at a great disadvantage in today's world, it still possesses powerful authority, and some of its leadership and committees, especially the Senate Committee on Foreign Relations, strive hard to live up to the obligations of that power. Regarding matters such as foreign aid, however, where financial considerations are often controlling, there is not yet an effective relationship between the substantive and appropriations committees, particularly in the House.

CONGRESSIONAL-EXECUTIVE RELATIONS AND THE FOREIGN POLICY CONSENSUS

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When Woodrow Wilson, still in the early years of his academic career, studied the relations between Congress and the Executive, he focussed on organization and channels of leadership and responsibility.[1] He was distressed at the disorderliness of affairs in which Congress had a part, and he was convinced that its noisy and often undignified procedures were an impassable obstacle to good government. He pined for the logic and clearly fixed responsibilities of parliamentary government on the British model of that time, for its party discipline and for the clear-cut choices between alternative policies that it offered to the electorate.

For contemporary observers, Congressional-Executive relations still attract attention, particularly in the field of foreign affairs. But the factors which Wilson examined with the greatest care of all seem now to be less central than they were to him. Partly this is because the federal government itself has changed: it now has a vastly wider range of both responsibilities and control than it once had, and there have been shifts in the relative power of the different branches within the government, to which Wilson himself as President contributed much. But there are also other reasons. In an age of ideological extremes, a wider consent than a simple majority seems more desirable than it might have been in Wilson's day, and no one is certain that the parliamentary form is superior in providing for this wider consent.[2] Then, too, as a result of the work of many men in the interval since Wilson wrote, we are probably sensitive to kinds of pressures on policy and to a range of functions that must be served in its development that were paid too little notice by Wilson or his contemporaries.[3]

I

One of the first points that today's observer of the Congressional scene might stress somewhat more than Wilson did is how well informed some members of Congress are. Among the more responsive and active members, there seem to be one or two for almost every major problem area who are just as knowledgeable as the specialists. Even the less responsive member can acquire

[1] Woodrow Wilson, *Congressional Government* (Boston, 1885).

[2] On this point, see Dean Acheson, *A Citizen Looks at Congress* (New York, 1957)

[3] I have myself drawn most heavily on Robert A. Dahl, *Congress and Foreign Policy* (New York, 1950); and George B. Galloway, *The Legislative Process in Congress* (New York, 1953), who also read this manuscript and corrected a number of errors. Others among the more recent works are the following: Ernest S. Griffith, *Congress, Its Contemporary Role* (New York, 1956); H. Bradford Westerfield, *Foreign Policy and Party Politics* (New Haven, 1955); and Roland Young, *The American Congress* (New York, 1958).

a formidable knowledge of a subject during ten or fifteen years of service on a committee listening to expert briefings—perhaps even more knowledge, if the truth were known, than that of some Secretary or Assistant Secretary who has been on the job for only a year or two, as is more usual than not.

In this same connection, the contemporary observer might make a special point of how quickly information and ideas arrive on Capitol Hill in our day. The Congress, like the presidency or any locus of power, is a target center at which are aimed the activities of many groups with conflicting opinions, within the structure of government as well as outside it. To further its own ends, each of these groups utilizes every form of information and argument it can lay hands on. Thus each Congressman has at his disposal what is in effect a far-flung intelligence network numbering at least in the thousands. It is hardly surprising that an active Congressman is one of the first to learn of some new idea, discovery, or technique. As an example, he often learns of the results of university research just about as soon as people in other universities do—and sometimes sooner.

Another characteristic that impresses today's observer is the seriousness with which Congressmen take their jobs and their rather unusual sense of responsibility. Indeed, much of what appears to be irresponsibility to the casual observer probably stems from the kind of conceptual framework by which the individual Congressman interprets international events—the pictures in his head, in Lippmann's phrase. A very high proportion of the Congress, for example, are lawyers—over half, it is said[4]—and it could be argued that in consequence of this there is among Congressmen a preoccupation with the legal aspects of international relations, with the wording of treaties and resolutions, with establishing which of the parties to a dispute are legally and morally "right" or "wrong." As with all men, others among Congressmen tend to personify relations between states and to project to international relations motives and behavior patterns generalized from their experience with individual persons. All of which is merely a roundabout way of saying that Congressmen have a wide variety of "pictures in their heads" and that their sense of responsibility is exercised in terms of these widely differing sets of assumptions. Apparent, as opposed to actual, responsibility would thus be increased, as would rationality, by improving Congressmen's understanding and the quality of assumptions by which they think about international relations. But this is equally true of all the rest of us, and Congress is nothing if not representative.

A more particular cause of apparent, as opposed to real, irresponsibility is the pressure on Congressmen and their busyness. The individual Congressman carries a formidable burden, and when one reflects on the nature and extent of this burden and on the seriousness and devotion that most Congressmen bring to their jobs, the irritation one feels at behavior that seems to fit the stereotype gives way to respect—and sometimes, for some of the outstanding members of the Congress, even a little awe. The Congressman, first, must handle a multi-

[4] George B. Galloway, *op. cit.*, p. 373.

tude of matters for individual constituents. He cannot avoid this, and clearly he should not. The individual citizen's access to his Congressman is a useful device by which to balance the necessarily impersonal procedures of bureaucracy. Also, it is through their work with constituents that Congressmen acquire much of the knowledge of values and preferences[5] that sets the limits on their voting behavior even if it does not always guide it. This is particularly true of knowledge of intensity of feeling about an issue, for which most other guides, such as public opinion polls, are of little use. And it takes only a short political experience to learn that a minority who hold a view with great intensity will have more political effect than a diffuse majority who believe the opposite, but not very forcefully.

A second element of the Congressman's busyness is the formal calendar. He must attend the floor for voting and do his homework on a variety of bills that run the whole gamut of our national life. Finally, he has committee work, with its endless hours of listening and mountains of materials for reading. As a result, the Congressman jumps from subject to subject with a tempo that approaches frenzy. His day begins early and ends late; his week lasts long. Nothing can be given sustained attention; nothing can be carried through to its completion; most projects are only half-done. The Congressional scene is, in a word, untidy. It is not surprising that Wilson's Calvinist soul was outraged. But here again what we have is the face of irresponsibility but not really the fact. The untidiness comes not from a lack of responsibility on the part of Congressmen but from the very extent of their responsibilities.

In reaction to the emphasis on pressure politics that followed the discovery of lobbyists and their activities, an observer today might also recognize that Congress has a greater freedom in the field of foreign policy than is ordinarily supposed. For one thing, there seem to be relatively few pressure groups at work on foreign policy, quite unlike the solid array that plead unceasingly for their points of view on domestic matters. The interest of producers' groups seems to be concentrated on protection, and with what is certainly notable success. But however important a liberal trade policy may be in the long run—in building, for example, a wider and more stable world system—it is doubtful if any country important in our foreign relations regards our tariffs as a major determinant of their immediate foreign policy in the present world situation. Japan is a case in point: it suffers as much from our tariff policies as any, yet power and political considerations keep it aligned with us on most matters.

Beyond their tariff demands, few producers' groups seem to be much concerned. Witness, for example, their rather half-hearted attempt to capitalize on the foreign aid program and the fact that their effect was confined principally to the clause reserving half the shipping business for American firms and the disposal of certain agricultural surpluses. The oil companies, with their interests in Latin America and the Middle East, seem to be the only important exception.

[5] The word is Dahl's, *op. cit.*

Apart from producers' groups, probably the national minorities are most prominent in the lobbies. These minority groups, of course, are very active, though not necessarily in any simple correspondence with the foreign policy of the homeland.[6] But for most minority groups—with the very notable exception of Zionist organizations—there is hardly any American foreign policy to work on at the moment except the same form of resistance to Soviet and Communist expansion that the whole nation is committed to. In some instances, as with the so-called China lobby, these pressures may keep our policy more inflexible than some might wish, but in general it seems to be only our policy toward the middle east that is subject to the kind of special interest pressures that are applied as a matter of course to domestic policy.

By and large, then, Congress seems to be somewhat freer from organized pressure when it comes to decide on an issue of foreign policy than it is on domestic policy. It also seems to be rather free from party control or discipline. The national party dispenses only a very little patronage today, and what it does dispense seems to go more to the workers and contributors of the Presidential campaign than it does toward keeping Congress in line, especially in a day of rather full employment. The Congressional party dispenses even less patronage on Capitol Hill. In consequence, one would expect that the most important bait for party regularity that is controlled by the Congressional party would be committee assignments and chairmanships.

In assigning committee chairmanships party regularity has never been an important consideration, and it is doubtful if it ever will. If there were national party structures of the kind that would permit the national party effectively to deny to rebels the nomination under the party label, there might be some basis for the Congressional party using regularity as one of the criteria for assigning chairmanships. Until that time, however, the seniority rule provides a way of making the decision that is beyond bias or favoritism. Though the rule has been criticized because it does not award the chairmanships to the most capable except by accident, neither does it give affront, and this is a priceless quality in party structures so fragile as these.

In making committee assignments, as opposed to choosing chairmen, the party does apparently consider party regularity on occasion. But it is far down the list, and it seems to be invoked as a general rule only when two members in competition for the same post are nearly equal in other respects. Committee assignments seem to be used only rarely to punish transgressions of party discipline.[7] There are exceptions, however, as in the 69th Congress when two Wisconsin representatives were deprived of their committee chairmanships, and others were reduced in rank on their committees, for supporting the elder

[6] D. W. Brogan, "Politics and United States Foreign Policy," *International Affairs*, Vol. 33 (April, 1957), pp. 166–167.

[7] When a man changes parties completely, of course, he will ordinarily lose his privileges, as Wayne Morse did when he declared himself an independent in 1953. See Ralph K. Huitt, "The Morse Committee Assignment Controversy," this REVIEW, Vol. 41 (June 1957), p. 313.

La Follette for the presidency in 1924. But a more typical as well as more recent example is that of Adam Clayton Powell. A Democrat from the Harlem district of New York City, he supported Eisenhower in the 1956 election, apparently as a protest against the opposition of Southern Democrats to civil rights legislation. The reaction among individual Democrats was sharp and included threats to retaliate by denying Powell his committee assignments. In the end, however, no such action was taken.[8] In any case, the violations in all these examples were of discipline in national elections and not on particular bills or items in the party's program. On such matters, it seems clear, party pressure is exercised more subtly than by granting or withdrawing overt benefits. The important pressures seem to be more social and psychological: the good opinion of men one respects; the sense of belonging to the club; the fear of being isolated and alone.[9]

This general freedom of Congress to exercise its own discretion in foreign policy inevitably has its effects on relations with the Executive. For one thing, the individual Congressman is not so reluctant to disagree as he might be. Given his need for publicity and the obvious fact that in conflict lies news, the individual Congressman is sometimes tempted to disagree for disagreement's sake—or, more accurately, for publicity's.

But relations between Congress and the Executive are equally affected by other considerations. It is the Executive that controls the flow of information from overseas.[10] There need not be any conscious intent to suppress one kind of information and emphasize another to accomplish the same result as conscious suppression and emphasis. In such a massive flow the selection needed to make it physically possible for a single person merely to examine the information would be enough. In addition, there is the question of technical expertise and advice. It is the Executive that sets up the framework in which policies are discussed, that in a sense defines the problems for our foreign policy and the alternatives with which to meet them.

This power over information and this plethora of expertise give to the Executive what might be called the intellectual initiative in foreign policy. The Congress as a whole can criticize; it can add, amend, or block an action by the Executive; but it can only occasionally succeed in forcing the Executive's atten-

[8] At about the same time, Powell also lost the chairmanship of a subcommittee he had previously held. This act, however, was not done by the party or even in the name of the party. Each committee has its own custom in regard to the establishment and staffing of subcommittees, but in general the power to establish subcommittees and appoint their chairmen lies completely with the chairman of the parent committee. See George B. Galloway, *op. cit.*, pp. 288–289.

[9] See Dahl, *op. cit.* p. 50.

[10] Dahl had hoped that Congress might find an alternative source of information in the Central Intelligence Agency. But due to its unusual—even unique—relationship with the policy-making parts of government and its almost total isolation from Congress, the Central Intelligence Agency is in no position to help Congress break the Executive monopoly. See my *Strategic Intelligence and National Decisions* (The Free Press, Glencoe, Illinois, 1956).

tion to the need for a change in policy, and hardly ever in developing and securing the adoption of an alternative policy of its own. The limits of Congressional power in developing policy independently of the Executive can be indicated by such examples as that of the loss of China to the Communists and, more recently, the response in the American aid program to the Soviet initiation of a foreign aid program of its own. There were members of Congress, as in all areas of American life including the Executive, who saw that China was being lost to the West and that a radically new policy was necessary. But the Executive's assumption that neither the Congress nor the people would support the kind of sacrifices which effective measures would require—even if the assumption was correct—still precluded a full exploration of those measures and in effect killed any possibility of discovering that the assumption might be wrong. Since the Executive did not propose a bold program, Congress did not debate one. In the recent decisions on foreign aid following the Soviet entry into the field, however, the Congress went somewhat further. Disturbed in the spring of 1956 by what they apparently interpreted as an Executive decision to depend on an increase in funds for the old aid program to meet the new Soviet tactics rather than try to develop an entirely new program, the so-called liberal group in Congress that has always favored aid joined the long-time opponents of aid in forcing a review of the problem. In the end, the effort was not notably successful. The most that could have been expected is probably that Congress could have brought the Executive to look anew at the problem and not that it could have succeeded in forcing the Executive to carry out a program developed entirely on Capitol Hill.

Frequently, as actually happened in the above examples, there will be within the Executive minority groups of officials—or sometimes, indeed, virtually the whole of officialdom—who are personally opposed to the Administration's policy. Inevitably, this discontent becomes known, and between the pressure of Congress and the wheedling of the press much of both the information and the arguments on the other side soon becomes available. Congress, for example, not only knew of the existence of the Wedemeyer report on China, which in effect proposed a massive intervention in the civil war between Chiang Kai Shek and the Communists, but the nature of most of its contents.[11] With this kind of information, Congress can sometimes debate a policy that the Executive does not want debated and thereby test, or alter, or even nullify the policy. These are impressive powers, but still limited ones. Although Congress could almost always find a way of denying support to a particular policy and dictate policy in the sense of paralyzing it, one must doubt whether it can force the Executive to accept a positive alternative in foreign policy by the exercise of its formal powers. It has no way of making an Executive follow a different policy, and there are always tempting, if devious, routes by which the Executive can follow its own policy no matter how many obstacles Congress puts in the way. Congress cannot forget, to give only two very recent examples, that

[11] See Westerfield, *op. cit.*, pp. 260–262.

the Truman administration flatly refused to spend the funds Congress had added to the defense budget for a larger air force and that the Eisenhower administration merely put a similar appropriation aside to substitute for the appropriations of the subsequent year.

In addition to this intellectual initiative in foreign policy, the Executive also has what might be called an instrumental one. The right of negotiation belongs to the Executive, and he can in the exercise of this right make promises and commitments that put Congress in a position in which failure to ratify his actions would impair not only the prestige of the United States abroad but faith in its ability to exercise its great power as well. Frequently, indeed, the Executive may proceed without any formal reference to Congress at all. Examples abound: the Yalta agreement, which so many Congressmen still resent; Roosevelt's destroyers-for-bases deal with Britain; Truman's decision to meet the blockade of Berlin with an airlift; his decision to resist the Communist aggression in Korea with troops as well as with material aid; and Eisenhower's intervention in Lebanon.

This power of the Executive to conduct the foreign policy of the nation without reference to Congress or even to evade the expressed desires of Congress is inevitably the cause of suspicion and distrust. The Congress, in consequence, is ever studious in trying to bind the Executive to its wishes and to guard its own powers and prerogatives. Though it is continually frustrated in its attempts to exercise detailed surveillance over the Executive's action in foreign policy, though it is constantly being circumvented, it cannot abdicate its responsibilities and it will undoubtedly continue trying to oversee the detailed operation of the foreign policy programs it authorizes and finances. It is here, in sum, that one finds the classic struggle of the separation of powers, foreseen and provided for by the founding fathers and remarked upon by every observer of American government since the time of De Tocqueville.

II

But the classic observations on the effects of the separation of powers are not completely satisfying. They explain the impasses in policy, perhaps, the arguments and rivalries, but not the achievements. Somehow, policies do get made. In spite of the public charges and countercharges, in spite of the demagoguery, the headlines, and the rivalry, many things do seem to get done. We know the formal powers of the different branches; we have the tests and precedents laid down by the courts. But it seems obvious that for decisions on major policies, those requiring sacrifices by the nation or the concentration on one set of objectives at the cost of neglecting others, a knowledge of formal powers and precedents is not enough. In both the development and ratification of these major policies, the process seems to be much more complex, involving a greater interaction between the different branches of government, than the formal powers and procedures would indicate.

We can, of course, be sure that this process by which decisions on major policies are reached is a political one, even when it takes place entirely within

the government and screened from the public view. That is to say, first, that such decisions require the reconciliation of a diversity of goals and preferences as well as alternative means; second, that there are competing groups within the government as well as outside it who are identified with the alternative goals and policies; and, third, that the relative power of the participating groups is as relevant to the decision as the cogency and wisdom of their arguments. Keeping this in mind, we might then describe the process by an adaptation of the model used in public opinion analysis, the same model serving whether the action takes place in the public view or entirely inside the structure of government. By this simplified, almost schematic means, the public opinion process is dealt with as a competition of rival groups of advocates seeking approval for their policies not from the broad masses (since, as has been frequently demonstrated, about a third of the general population is apathetic toward any given issue, or at least willing to leave it to others) but from what Gabriel Almond has so aptly called the "attentive publics."[12] In this concept, issues are debated in front of particular audiences that are interested in the special field and to some extent informed about it. There is thus not one public, but many—a particular public for agricultural policy, another for fiscal policy, still another for foreign policy, or perhaps several according to the region or problem toward which the policy is directed. The size of the attentive publics varies with the topic and, over time, within one topic; and a member of one public may also be a member of another.

Applied to the policy-making process in government, the concept visualizes both the groups of advocates and the informed audiences as cutting across the formal boundaries of Executive, Congress, the press, or any other formal grouping. The emphasis is on the patterns of relationship in which consensus is developed, on the techniques of consensus-building, and on the different functions that the participating groups perform in the process—originating ideas, working out the requirements for their implementation, selling the proposal within the governmental structure, aggregating alternatives, modifying, vetoing, and enlisting public support where necessary. For it is consensus that is the object of the process, if not always the result.

If consensus is reached, and the weight of opinion in the particular audience settles on one or the other of the debated policies or on some adaptation of one of these, we have all the essentials for consistent, "bipartisan" policy over time. But notice that consensus of the informed is not always essential for all kinds of policy and that apathy in the general population may in some instances effectively substitute for it. The military policy of the first Eisenhower administration is an example. This policy rested on two major decisions. One was to concentrate on atomic air power at the expense of naval and especially ground power. The second was that the Strategic Air Command could safely be maintained at a constant level even though the Soviet Long Range Air Army seemed to be growing so fast as to threaten to take the lead. (The assumptions

[12] Gabriel A. Almond, *The American People and Foreign Policy*, New York, 1950.

behind this second decision were, that it would be wasteful to provide more H-bomb carriers than the minimum necessary to destroy the Soviet Union once and, second, that the number required for this task could be accurately determined in advance.) The informed and interested audiences for military policy, including a wide section of the armed services, the official bureaucracy, and Congress, split into two differing camps of opinion, both in opposition to the policy of the administration. One of these groups was uneasy about the decision to make no special effort to keep the Strategic Air Command ahead of its Soviet counterpart, and the other was perhaps even more uneasy about the failure to provide in our military preparations for a larger proportion of ground troops and in general a greater capability for fighting limited, local wars using conventional rather than atomic weapons. Top-level decision-makers in the Executive, however, were not in sympathy with either of these views around which at least a partial consensus formed, whether from a different assessment of the Soviet threat, a different assessment of the economic risks involved in high levels of defense spending, or simply from a conviction that the American people at large would not tolerate the sacrifices, in terms of a larger draft as well as increased taxes, that such policies would entail. Since the mass of the public combined an indifference to the details of military policy with a faith in the expertness of President Eisenhower as a general, the Executive had no need for the support of the rather small group that comprised either consensus and ignored them both at what appears to have been little or no political cost.

Notice also that the possibility of political cost in the direct sense of election returns exists only when the building of consensus takes place in terms of the wider publics. An important point in the consensus-building model is that the participating groups are not always part of the wider public but can exist at any one of many levels—entirely within the Executive branch; entirely within the "government" more broadly conceived as including Congress and the press (whose role is nonetheless an inherent part of the process for being an unofficial one); or a widespread, largely unofficial but still esoteric group having some special knowledge or expertise (as, for example, nuclear physicists). At some of these levels the political cost of ignoring the consensus might well be nil. On the other hand, political costs may still be high even when they are not direct. The cooperation and support of a group whose opinion has been completely ignored on one issue will not be readily given on others to which this support may be crucial. Then, again, the consensus of a small but unusually well qualified group may be very effective in bringing on a decision even though the group has no political power in the popular sense at all. The weight of responsibility a national leadership bears is alone sufficient to ensure that it will listen carefully to specialist opinion and go against the consensus of such opinion only with reluctance.

It is worth noting that when a "process" such as this development of consensus among informed participants does work, it may be rather efficient in the assessment of policy alternatives. Indeed, it could be argued that this process is responsible for whatever truth there is in the observation that however many

mistakes of omission democracies make, they rarely make the great mistakes of commission that totalitarian regimes seem prone to—as for example Hitler's mistake of attacking the Soviet Union. When the subject under debate is one on which the competing groups of advocates are knowledgeable; the participating audiences are well informed; and the decision-making levels of government at least sensitive to the verdict (if not, as would be preferable, participating in the debate on both sides)—when all these conditions are fulfilled chances should be good that the resulting policy will be a wise one, at least providing that the circumstances make no demand for speed. An example of an occasion in which these conditions were largely fulfilled is the development of our policy toward Europe in the years following World War II. Here both the advocates and participating audiences were generally familiar with Europe and its problems and well supplied with a frame of knowledge against which to test proposed policies. The top-level decision-makers, finally, were completely sensitive to both the elements and the growth of the resulting consensus. In the problem presented by the disintegration of Nationalist China, on the other hand, and its progressive slide into the hands of the Chinese Communists, several of the basic requirements for exploring and producing consensus on an effective policy were lacking. There was pitifully little specialist knowledge on China in the United States and almost no familiarity, outside the ranks of specialists, with the elements bearing on the problem.

None of this, of course, is meant to suggest that every problem has a solution or that the "consensus-building" process is an automatic machine for grinding out these solutions. If pressed to the wall on the postwar China problem, for example, the dispassionate observer might well find himself ultimately standing on the proposition that this was one of several problems that were beyond the power of the United States to affect more than marginally, if at all. What is being suggested, on the contrary, is the notion that as a consequence of the dearth of specialist knowledge about China and the almost total ignorance of it among participants in the consensus-building process, all the possible policy alternatives may not have been spelled out; that those alternatives that were proposed —for example, those contained in the Wedemeyer report—may not have been adequately debated; and that, finally, the need for drastic measures may not have been understood widely enough to make politically acceptable the sacrifices necessary for these measures.

III

Viewed as part of a "consensus-building" process, aspects of Congressional behavior become understandable that seem nothing less than absurd when considered in the kind of "rational decision-making" context in which each part of government is responsible for a particular step in the making of a national decision. What otherwise appears as purposeless or even perverse behavior begins to acquire both reason and motive.

The Congressman's role, even in the field of foreign policy, is colored by his position as a maker of laws. When he acts as part of the participating audience,

it is as that part which is to express the consensus directly, as law, resolution, or appropriation. And when he acts as a policy advocate, as the representative of a competing group of advocates, his aim may be as much to maneuver a certain point into law as it is to convince the participating audience that the point is a wise one.

But even with the qualifications implied in the Congressman's role as lawmaker, the consensus-building model still seems to be a useful way of looking at the role that Congressmen play in the making of foreign policy. The kinds of questions asked in hearings on a new proposal, for example, the kinds of amendments proposed to the bill implementing that proposal, all seem to be different from the kinds of questions a responsible executive might ask of subordinates who were presenting a new policy to him for consideration and approval. The questions asked by an executive, say the President or the Secretary of State, would be aimed at bringing out both the alternative means and the alternative goals, at making certain not only that this policy was the best for achieving the purposes sought, but also that some entirely different purposes might not be more desirable. The questions, if they meet the criteria of rationality, would also explore the subsidiary effects on other values, the political possibilities of putting each alternative into effect and the political consequences of doing so.

The questions asked by Congressmen, as is well known, are usually quite different from these. They seem to reflect a recognition that the questioner cannot force the Executive to adopt an alternative, or even to consider it, unless he can enlist wide public support and that there are only rare occasions on which there is sufficient reason, or a case with enough appeal, to bother to try. Except in unusual circumstances, when there is both reason and a case, Congressional questions therefore leave great areas untouched; they rarely explore alternatives, whether of means or goals, and they touch on the appropriateness of means to goals only sporadically.

Even when faced with a straightforward policy proposal from the Executive, as in the Middle East Resolution presented by the Eisenhower administration, for example, Congressmen can rarely give the alternatives, except for outright rejection, more than a glance. And this is often true even when they have doubts about the effectiveness of the proposal. If one can judge from an examination of the hearings and comments by Congressmen as quoted in the press, a rather wide feeling existed in Congress, on both sides of the aisle, that the Eisenhower doctrine on the Middle East, insofar as it meant that the United States was compelled to pick up responsibility there, was a necessary and sound policy. But many Congressmen also seemed to feel that it had not been thoroughly thought out—that it was a reaction rather than a developed policy. Many members seemed to suspect, first, that the doctrine was aimed at the least important of the dangers (*i.e.*, direct Communist aggression rather than the twin threats of subversion on the one hand, and, on the other, the possibility that third party wars, such as between the Arabs and Israel, would provide the Soviets with opportunities for easy victories). Second, they seemed to feel that

the military requirements for implementing the resolution had been neither fully explored nor provided for. Third, they seemed to suspect that in the provision for aid the problem of where and how to spend the money, including the willingness of the Arabs to accept aid from the United States, had not been fully considered and might turn out to be somewhat different from what the Executive expected. Yet in spite of their doubts, a large majority voted for the resolution with only minor changes, and the questions they asked focussed mainly on the issue of whether or not the policy proposed was worthy of support substantially as proposed. Even when there is doubt about the wisdom or effectiveness of the policy, in sum, the questions aim not so much toward exploring the range of alternatives or presenting the arguments for a particular alternative as toward building the case against the policy proposal as it stands.

In the more usual form in which Congress is confronted with policy, its opportunity for examining alternatives is even less, and the individual Congressman's behavior is still more sharply at variance with what might be expected if his role were the taking of certain formal steps in a rational process by which the nation makes decisions. Look, for example, at defense appropriations. The questions Congress asks of Executive witnesses, the information they are given and demand, the time they spend at the job and the way they spend what time they have available, all seem to be different from what would be necessary to permit Congress to arrive at an independent, rational judgment on the level of defense expenditures necessary to achieve its foreign policy preferences or on the allocation of those funds among the services so as to maximize those preferences.[12] If, however, Congress as a practical matter is powerless to impose alternative policies by its formal procedures and can effectively raise new problems and new policies for consideration only through the informal procedures of consensus-building, then the members' failure to examine basic strategic alternatives during budget hearings and their corresponding concentration on minutiae is understandable. A policy change that is beyond their reach except through the consensus-building process requires an entirely different approach. If the appeal is to be made to an esoteric public, almost entirely within the structure of government, hearings are hardly the vehicle. If the audience is the wider one, on the other hand, the appeal is not worth the effort unless it can be simplified and dramatized. If one conceives of the policy debate as an element in a very wide consensus-building process—as taking place, in other words, in front of an audience whose attention is easily diverted—then the alternatives under consideration must be very clear-cut and compelling. Most Congressmen might recognize, for example, that the size and composition of the armed forces have an infinite number of forms and that the worths of each of these forms in achieving foreign policy goals lie along a continuum. Yet for the purposes of building a wide consensus, the discussion must take place in much simpler and

[12] For an analysis of the requirements for a rational determination of the level and allocation of defense expenditures, see Warner Schilling, "Fiscal '50," a case study being prepared for the Civil-Military Relations project of the Institute for War and Peace Studies, Columbia University. Also of interest in this connection is his "Civil-Naval Politics in World War I," *World Politics* (July, 1955).

more dramatic terms—is a 70 group air force the one and only correct size, or is it 48? The Symington Subcommittee's hearings on Air Power, to give another example, were criticized by students of nuclear strategy, who were concerned about the possibilities of limited wars, on the grounds that they were addressed not only to a greatly oversimplified question but probably toward the wrong one. But if the only context in which Congress can raise policy alternatives effectively is the consensus-building one, then there is a great advantage in having an investigation of our military policy concentrate on the single question of who has the most airplanes, the Russians or ourselves. This is a question that anyone can understand, and if the answer is that it is the Russians, then the burden of proof lies on the Executive to justify itself and its policy. It may also be that this same question is the only one in the field of military policy with which a Congress of the opposition party could stand up to the enormous prestige of a President who is also a five-star general.

Faced, finally, with a massive and complex budget in which the policy choices are embedded in a tangle of established programs, the Congressman can only rarely find a policy alternative that has the characteristics that are essential if he is to have any success in pushing it. On an occasion when he has a proposal of this kind that he can call his own, his efforts can be focussed on winning enough support to force consideration of it. Without such an alternative, he tends to fall back on the device of sinking random holes on the off-chance that he might strike a pool of inefficiency, graft, or corruption—which has little to do with policy alternatives but which if successful may well attract the headlines. And he can console himself that the very least he has accomplished with these random probes is his duty toward the traditional watchdog function of helping to keep the Executive honest.

IV

Certain aspects of the behavior of officials in the Executive also seem more rational when viewed as part of a "consensus-building" process. The endless leaks of secret information are not really evidence of blabbermouthed irresponsibility but attempts by one official or group of officials to force an issue or alternative up to the level of decision or to outflank the proponents of another view. One may also better understand the popularity of the "background" press conference, which newspapermen resent as "self-plagiarism" because the source of the news must remain anonymous and the newspapermen themselves take the abuse no matter what kind of storm is raised. Here the function is not only the end-run around the opposition inside the Executive, but a launching pad for trial balloons that will test the possibility of creating a consensus without the penalty of making a genuine attempt and failing. The mechanics of this process of competition between groups of advocates also helps explain why it is so difficult to make a true decision-making body out of such interdepartmental committees as the National Security Council.[14] The principal reason, of course, is that the President, unlike the Prime Minister in a parliamentary

[14] See Sydney Hyman, "Cabinet's Job as Eisenhower Sees It," *New York Times Magazine*, July 20, 1958.

system, is not directly dependent for his continuation in office on the support of his ministers and fellow party members in the legislature. But beyond this, for many policies a wider consent seems to be needed than can be represented in a body like the National Security Council, and such a body is hardly suitable for making any of the bilateral arrangements that may be necessary in developing that wider consent, or for the weighing and balancing of power that a political process entails.

Neither is it just the separation of powers between Congress and the Executive that tends to turn the making of major policy decisions into a consensus-building process. The very size and complexity of the Executive's task in modern times makes it difficult for a bureaucratic machinery to cope effectively with departures from the routine. Before a new problem or proposal can be raised to the level of decision, it must jostle out hundreds of others. Except for problems born of crisis, and sometimes even for these, this elbowing up through the echelons could be expected to require the approval and cooperation of a rather extensive range of people. And what might be called the "jurisdictional" effect of bureaucracy tends to increase the number of problems that must go the whole way up. The essence of bureaucracy is specialization of function and a division of labor and responsibility accordingly. This device is indispensable in managing large-scale enterprises, but it presents peculiar difficulties when it comes time to fix responsibility for problems that cut across jurisdictional lines —which foreign policy problems tend to do in any age and especially so in a time of external threat when both military and economic instrumentalities are prominent. More often than not, complex problems arising out of interaction, as between military and political considerations, can be "recognized" in an official sense only at the top.

Most of the general implications of all this follow naturally without elaboration. A policy-making system that tends to depend heavily on developing a consensus among a rather wide range of participants puts a high premium on effective communication and an even higher penalty on a failure of communication. Achieving sophisticated policies is not just a problem of policy planning by an elite staff but also one of persuading, bargaining, and educating. What is more, there seems to be no one place where these tasks can be concentrated, since there are too many participants too widely scattered to be reached by the communications resources available to any one group of participants, including perhaps even the office of the President.

Paradoxically, the need for wide support also leads to overselling a policy proposal in the sense of claiming too much for it. In selling the foreign aid program, for example, there was a tendency to justify it on the grounds that economic development now would ensure democratic regimes in the underdeveloped countries ten years from now. This enormous oversimplification brings trouble both at home and abroad. At home, it not only creates false expectations and extreme reactions when the expectations are not fulfilled, but it also obscures the fact that power instrumentalities may be as important as "humanitarian" ones in maintaining democratic regimes. Abroad, it tends to defeat

itself. Putting too high a value on economic development as opposed to the sanctity and dignity of the individual may give an impetus towards totalitarianism as the only form of government that can impose the sacrifices rapid development requires.

The effort that must go into "selling" a policy that requires wide support, the difficulty in a bureaucracy of getting some kinds of problems "recognized" except at the top, and the competition for the attention of these decision-making levels all combine to put obstacles in the way of any attempt at systematic policy making. Some issues or proposals, as for example the Marshall Plan, are the subject of massive concentration, while others are neglected almost entirely. There is a tendency to bounce from the crest of one crisis to the crest of another, and a bias toward postponing final choice among possible alternatives until the new crisis forces decisions that are mainly reactions, the children of events rather than their master. At the same time, there is also a tendency to decide as little as possible. If wide consent is necessary, decisions will almost inevitably tend to deal with only one aspect of a problem, as the Eisenhower Doctrine dealt only with direct Communist aggression rather than with the whole complex of threats including subversion and third party wars. Similarly, a decision to make the intercontinental ballistic missile tends to be reached solely on technical grounds, without a full look at the political context or consequences. It is here, in what might be called the discontinuity of policy development, rather than in intelligence failures, that we are most likely to find the reason why America is so often surprised by the turn of international events. Most of our troubles in anticipating events in foreign affairs seem to derive not so much from a failure to foresee the consequences of policies adopted or alternatives considered and rejected, as from the problems we have never really faced as a nation even when individual citizens have raised them.

V

Among the implications of this pattern of policy making for the narrower subject of Congressional-Executive relations, probably the most important is that sales gimmicks are no final solution. There is, quite clearly, an important place for briefings for Congressmen, for prior consultation with key members, for the early breakfast call by the Secretary of State on the chairmen of the Congressional committees, and for all the varied arts of the Assistant Secretary of State for Congressional Relations. But there are very sharp and rather narrow limits on how far the Executive can go in bringing Congressmen into what Senator Vandenberg liked to call the take-off of policy as well as the crash landing. The kinds of powers bestowed on Congress by the Constitution, the peculiar limitations on those powers, the individual Congressman's consequent need to rely on consensus-building as a tool, his independent source of political strength and the demands this makes on him—all these conspire to make it impossible for the Congressman to take a regular part in the actual formulation of policy with anything approaching consistent responsibility to Executive interests. As a man with long experience on Capitol Hill who later moved to the

State Department once remarked, the Secretaries not only have to be willing to have Congressmen participate in the lengthy process of policy making, they have also to be grimly determined to hunt them down and drag them there. Without a studious attention to Congressional relations and a willingness to make some concessions to Congressional fears, an Administration may on some occasion be repudiated in spite of having what is actually a sound case. Woodrow Wilson's defeat on the League could probably serve as an example. But any attempt to go much further than this, to seek to avoid the obstacle course, say by trying to make key Congressmen into a sort of informal National Security Council with a specific role in the formulation of policy, seems unlikely to change the Washington scene very radically.

For what are essentially the same reasons, it would also seem that the Executive would be well advised not to go to Congress on the details of a policy or on secondary policies if it does not really need to. It was apparently on this count that President Truman decided not to go to Congress for an endorsement of the general statement of the Truman Doctrine but only for the specific grant of funds to implement it. The same thing could be said of his action in meeting the Berlin blockade and in deciding to fight in Korea. Congress had supported our participation in the occupation of Berlin by its appropriations, and our endorsement of the collective security provisions of the UN charter by its passage of the United Nations Participation Act. Both were clearly being challenged by the Communists; and the situation in each instance was one of crisis, demanding speed above all. Few administrations will make this mistake of seeking Congressional advice on the minutiae of policy more than once. But in choosing which policies need Congressional support and which do not it is essential to avoid giving the impression that the intention is merely to evade. President Roosevelt, for example, apparently felt that defeat and repudiation were the only possible results of a request to Congress on the destroyers-for-bases deal; but the cost of his independent action in terms of Congressional resentment was very high and unusually persistent.

When the Executive does go to Congress, the manner and timing are vital. Here the most important point revolves around the Executive's monopoly of initiative. The fact of the matter seems to be, as so many observers have remarked, that the system itself is so constituted that policy and the nation flounder if the Executive does not exercise his initiative by anticipating problems and engaging himself in the process of building a consensus among the wider publics early enough for an informed opinion to develop. If he does not do this, there may not be enough general support to overcome resistance to objections to secondary points or to force agreement on an acceptable compromise. Even more frequently, however, the result of a failure to anticipate problems and lay a groundwork in public opinion is that decisive alternatives are killed within the Executive itself on the paradoxical ground that Congress would never support them. Many a military budget, for example, has been fixed at a level far below what Congress could have been brought to support simply because the need for a larger budget was not recognized in time to per-

mit sufficient discussion of the reasons for the need. Another example, of a different kind, was the decision not to intervene in Indochina at the time of Dienbienphu. The decision may well have been entirely sound, but one cannot help suspecting that it went the way it did not on rational grounds, but simply because the very idea of intervention in Indochina was brought up so late and was so new to so many people, within the Executive as well as in Congress, that the initial resistance was too great to overcome in the time available.[15]

The danger of drift, of course, derives as much from the massive power of Congress for obstructing policy, in spite of the weight of advantage on the side of the Executive, as it does from the nature of the consensus-building process. Thus a revolution in the process might be worked if another succession of strong Presidents develops new and better techniques for either evading Congress or manipulating it. Yet the completely nominal role for Congress that would remain at the end of such a revolution could hardly be desirable. In spite of the cynicism of our age it still seems a desirable goal for democracy that the policies of the government be designed to realize the values of the maximum number of people, that those policies work toward the kind of world the maximum number want. The President, as the representative of all the people, is able to accomplish a great deal towards identifying these preferences, but he is also limited. When he goes to the country in an election, the whole spectrum of government policy is under scrutiny, and his mandate is much too vague to serve as an adequate guide on specific issues. When he goes to the country in a less formal sense, his limited sample of opinion is not likely to capture any more than the grossest outlines of sentiment. Quite clearly, the President's role in this identification of preferences is foremost, but he cannot personally weigh the conflicting desires and their varying intensities in a nation of opinion, and without some other device than the presidency to accomplish an aggregation of views, the preferences served in national policy would probably correspond to those of the mass of the people only intermittently.

The task in adapting democracy to a mass age is also not just the simple one of identifying and expressing the preferences of the bulk of the people. Indeed, the most important function is probably one of interpretation—of identifying achievable goals in foreign policy, say, and relating these in the minds of the mass publics to the basic values of the society. Here, too, the President's role is foremost, especially the act of leadership that shows the different bodies of opinion where in the jumble of events their true interests lie. But he cannot hope to accomplish these purposes of representation and interpretation alone, and some additional device seems mandatory. Traditionally in democracies the device to that end has been the parliament or Congress, and it seems clear that it still has its uses today. Diminishing the role that Congress plays in foreign affairs, in sum, would be more likely to set us back in the task of adapting democracy to our mass age than to further it.

[15] See Robert J. Donovan, *Eisenhower: The Inside Story* (New York, 1956), ch. 19, *passim;* and Marquis Childs, *Eisenhower: Captive Hero* (New York, 1958), pp. 201–203.

Second to the danger of drift in this peculiar relationship of Congress and the Executive is that of stalemate. If the Executive fails to face up to an issue, he can go on failing to face up to it without anyone being able to do very much to change matters. If he weds himself to a short-sighted or even wrong-headed policy, the only formal power that Congress has any chance of exercising is that of stalling policy entirely.

There are, of course, procedures within the executive branch by which established policies are challenged and alternatives put forward, including the consensus-building process. There are also ways in this process by which outside groups may inject ideas into the system. But is this machinery adequate to the burdens likely to be placed upon it? Foreign policy in our day must meet a staccato series of new problems and issues. On the one hand are the rapid shifts in political context likely to result from both Communist aggressiveness and the rise of the Afro-asians. On the other hand, there are the effects on both the modes and structure of international relations of technological change and the nuclear revolution in military strategy. Considering the requirements these developments will place on the policy-making machinery, one cannot help being uneasy at the thought that alternative policies can be considered only by the grace of executive officials or only as a result of indirect pressures on them through the consensus-building process.

If Congress is handicapped in terms of information, time and staff, in developing alternative policies as well as in the power to enforce them, is not the one method that Congress does have for raising new problems and for presenting the case for alternative policies—the consensus-building process itself—in danger? Without Congress playing a more positive role in debating the complex problems of foreign and military policy, will the attentive and participating audiences outside the Executive have any opportunity to know, much less to understand the alternatives, or, indeed, any choice at all other than accepting or rejecting a single proposal? What also happens to the traditional role of expressing the people's preferences and of interpreting policies to the people in terms of their preferences? Can representative democracy really be adapted to a mass, technological society if Congress does not have the necessary machinery and means for exploring alternative policies and introducing them into the process more decisively than it now does?

One may doubt that it can, but at the same time providing Congress with any formal machinery for developing policy would be a formidable task. Indeed, after reflection on the lack of party discipline in the American system, the nature of Congressional responsibilities, and other aspects of Congressional method and structure, the conclusion may well be that it is an impossible one. As a basic proposition, in other words, it seems wise to assume that no radical change in either the form of our government or in the powers of the different branches is practicable. Even if we could be sure the proposed reform was desirable, the suspicion and distrust an attempt to rearrange things would generate, the uncertainties of the period of adjustment in which each side tested

its new authorities, would all be much too disruptive to tolerate for a nation facing external threats. The only way of meeting the evolutionary changes in the situation, in sum, would seem to be with an evolutionary counter, developed within the present framework.

The heart of the difficulty probably lies in the technicality of foreign and military policy today and the limited knowledge about its problems, as well as in the difficulty of bringing research and new additions to knowledge into the policy-making process.[16] When knowledge, the ability to predict the consequences of action, is inadequate, intelligent choice will necessarily turn on the weighting to be given the different possible effects of means—means that are highly technical and as yet only partly understood. Even in an ideal society without barriers to full discussion, debates on foreign policy today would probably center more on disagreements among specialists about the suitability of means for accomplishing goals than on competition between mass publics about the goals themselves. Indeed, when goals are the subject of discussion the question would normally be whether the instrumentalities available were sufficient to accomplish a certain goal, and, if not, whether we would not be wiser to content ourselves with a more modest goal. The likely alternatives would be, on the one hand, a policy that had an uncertain chance of accomplishing a very desirable goal, and, on the other, a policy that would more surely accomplish one that is somewhat less desirable. The choice would present itself in terms of the degree of risk to be shouldered, and would depend on a rather intimate understanding of the technical problems that define and clarify that risk.

If it is correct to say that much of the debate on foreign and military policy must necessarily concern technical problems, then one possible approach would seem to lie in providing Congressmen with greater access to specialist assistance. This might make the Congressman's task easier, but probably only modest improvement in the quality of foreign policy could be expected from it. Too much of the difficulty does not lie in Congress at all.

This same technicality of foreign policy today also raises doubts about the wisdom of some efforts in citizen education[17] and of the long-standing advocacy by some political scientists of a greater party responsibility, and other reforms inspired by the parliamentary system that would help give the electorate a clear choice between alternative policies. The electorate might go right on behaving as it does now and policy making might then continue to be much the same, in some circumstances a monopoly to the President and his immediate entourage, and in others permitting the participation of attentive audiences in something similar to the process of consensus-building. If so, the goals of de-

[16] For an attempt to examine the role that research might play in the making of foreign policy decisions, see ch. 8, "Knowledge and Action," of my *Strategic Intelligence and National Decisions*, already cited.

[17] The phrase is Bernard C. Cohen's; see his *Citizen Education in World Affairs* (Princeton, 1953).

mocracy might be better served by improving the consensus building process itself, both in its accessibility to potential participants and in the means and procedures by which the participants communicate.

For this we need more details on how the process works. What kinds of people participate in what kinds of foreign policy decisions? What are the different ways of becoming a participant? Is there a small core—a super-elite—that participates in all types of decisions? If not, who coordinates the policies in different fields, or is there no significant coordination? What functions do the different groups of participants perform? Who originates ideas; who vetoes, who aggregates alternatives? Which kinds of policies require a wide consensus and which a very narrow one, and what implications do these differences hold for traditional democratic theory?

With a greater knowledge of how the system really works, we might be in a better position to reconcile the classic goals of democratic thought to conditions in a mass age. The most promising course, in sum, may lie neither in tinkering with structure and organization nor in developing an elite of philosopher-politicians from which to draw candidates for Congress, but at this entirely different level of attempting to understand the subtleties of the system in which national policy is made and of accommodating ourselves to the opportunities it presents.

"VALUE CONSENSUS" IN DEMOCRACY: THE ISSUE IN THE LINCOLN-DOUGLAS DEBATES*

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The topic set for this panel is "value consensus" in democracy. I put the expression in inverted commas, not because I am here concerned with the validity of the fact-value distinction but because, even granting the distinction, I find it difficult to see why, in this context, "value" should be added to "consensus." Democracy is the name we give to a certain form of political community, and every community, by definition, is constituted by the fact that its members hold certain things in common. A political community, I take it, is always constituted by the fact that its members hold certain political things in common. And a democratic political community would, by equal reason, be constituted by the fact that the political things its members hold in common are democratic. The problem of discovering what constitutes a democratic consensus, as it seems to me, is the problem of what things fellow-citizens in a democracy *must* hold in common, what they *may* hold in common, and what they *may not* hold in common, if they are to constitute a democratic political community. I think it would be confusing, at the outset, to speak of "values," because, even assuming that we know what values are, we cannot assume that values are the principal things to be shared, or that non-values are not equally or more important than values. I believe, for example, that there is a school of thought that holds that democracy does not imply an agreement on values, but rather an agreement to disagree; and that this agreement would not itself be a "value" in the same sense that the disagreed-upon values were values. I will therefore, proceed without further ado about this troublesome word.

I

No episode in American history raised, in a more fundamental way, the question of what it is that Americans must agree upon, and what they may not disagree upon, than the Lincoln-Douglas debates. These debates constituted a dialectical preview of the Civil War. Lincoln's campaign in 1860—in which he did not participate personally—was fought mainly on the arguments he developed in the 1858 struggle with Douglas, arguments which he further perfected in a series of speeches in 1859 and early 1860. It may seem unjust to identify Douglas with the cause of the South, since no one rallied more firmly to the Union when the guns fired at Sumter. Yet Lincoln maintained—correctly, I believe—that the acceptance of Douglas's position would have led to the consequences which the South insisted upon during the Secession crisis of '60–61, as the price of remaining in the Union. Douglas was as willing as Lincoln

* A paper read at the Midwest Conference of Political Scientists, Ann Arbor, Michigan, April 25, 1958. The themes discussed herein briefly, are drawn from the author's *Crisis of the House Divided: An Interpretation of the Issues in the Lincoln-Douglas Debates*, to be published.

to fight to preserve the Union. But the Union that would have been preserved, had his position been victorious, would have been a Union in which the interests of slavery received the pledges of security they were demanding.

It is true that the South, foolishly (in Lincoln's eyes) rejected Douglas in 1860, almost as completely as it rejected Lincoln. This, however, was largely a consequence of Lincoln's success in exploiting the famous Freeport question—to which Douglas had replied that the people of a territory might exclude slavery during the territorial period by "unfriendly legislation." According to Lincoln, this reply was only an attempt to straddle an issue that was logically and morally impossible to straddle. It meant, Lincoln said, in one of those flashing aphorisms wherein he summarized volumes of disputation, that a thing may be lawfully driven from a place where it has a lawful right to go. Douglas's repeal of the Missouri Compromise had repudiated the policy of Congressional exclusion of slavery from the territories; and the *Dred Scott* decision had confirmed his judgment with a vengeance, by declaring that Congressional exclusion was unconstitutional. If then slavery followed the flag, the South had as much of a right to Congressional legislation securing slave property in the territories, as they had a right to a fugitive slave law securing their human property in the states. Douglas had no logical or moral right to uphold the *Dred Scott* decision—a decision that was only possible because of his own repeal of the Missouri Compromise—and then to deny to the South its slave code for the territories.

Douglas found, in 1858, that he could not continue as leader of the northern Democracy, if he supported the full consequences of the position whose foundations he had done so much to lay. By 1860 he found that he could not continue as the leader of the southern wing of the party, on the basis of an equivocation. Lincoln persistently identified Douglas, in 1858, with the full logic of his position—which was Jefferson Davis's logic—and not merely with the portion of that logic Douglas was willing to acknowledge. Lincoln was certain that the full consequences of Douglas's position meant the lawfulness of slavery "in all the States, old as well as new, North as well as South." It meant, moreover, an aggressive foreign policy, which would have added Mexico, the islands of the Caribbean, and probably much more to the south; in all of which lands slavery, and other caste systems, *e.g.*, peonage, which was already functioning in New Mexico under the protection of the American Constitution, would have added vast new realms of inequality to the American polity, with what further complications of our politics one shudders to contemplate.

Lincoln fought the campaign of 1858 as if nothing less than the full claims of slavery and of freedom were in the balance. And he compelled Douglas to acknowledge the legitimacy of the claims of slavery *in principle*, even if he could not bring him to acknowledge them in detail. For Douglas stoutly maintained the theory of racial inequality, by which American slavery was defended; and Lincoln then turned the discussion upon the question of whether the Declaration of Independence was, or was not, a statement of universal political right;

and whether any government could continue free, if it did not stand upon the ground of such a universal conception of right.

II

Historians in the last two generations have taken an increasingly negative view of the merits of the Lincoln-Douglas debates. This negative view has reflected an increased conviction that the Civil War was, as the subtitle of a famous work indicates, an "unnecessary war." According to James G. Randall, there was a long list of things that were more important than slavery in the territories, which Lincoln and Douglas might have discussed, but which they completely passed over. The one thing they talked about was the one thing that further inflamed an already dividing nation, and served to make a question that was difficult to compromise, impossible to compromise. Underlying this recent view of the advent of the Civil War, there is clearly discernible a theory of democracy. It is given characteristic expression in an essay by Avery Craven —author of the well known book, *The Coming of the Civil War*—in an address to the Abraham Lincoln Association in 1947, entitled "The Civil War and the Democratic Process." It is Craven's thesis that

> The significant thing about the American Civil War is that it represents a complete breakdown of the democratic process in the handling of national problems. Men ceased to reason together. Discussion of issues turned to incrimination; compromise or delay in action became impossible. Men firm in the conviction that the totality of right and justice was on their side faced each other with a willingness and a determination to use violence for the achievement of their ends. In the end, opponents were beaten into submission in bloody combat in complete contradiction of the basic assumption on which the American political structure had been erected, namely, that men are endowed with reason enough to rule themselves and that they have consciences which impel them to deal justly with their fellows; that rational discussion of issues, compromise of differences, and delay in action where adjustment is not reached, constitute a procedure by which groups that vary as much as the colony of Massachusetts and the colony of South Carolina had varied could live and work in unity forever.

I would like to examine some of the assumptions and consequences of this thesis; but I think that most of them may be conveniently summarized by Professor Craven's later observation, that

> What stands out in this story is the simple fact that issues dealing with right and wrong . . . do not lend themselves to the democratic process. Discussion proves efficient, as Carl Becker says, only "when there is nothing of profound importance to discuss and when there is plenty of time to discuss it."

I believe it is no exaggeration to say that, if discussion is central to the democratic process, and discussion is efficient only when there is nothing important to discuss, then democracy as a form of government is neither possible nor desirable. However, allowing for the exaggerated morbidity of Craven's disillusionment, the antecedent of his view can be clearly perceived in the position advocated by Douglas in 1858. For Douglas's famous "popular sovereignty" doctrine, with which we must correlate his famous and oft-quoted dictum, that

he "don't care whether slavery is voted up or down," was above all an "agreement to disagree" on the slavery question; it was, presumably, a formula for removing the question of whether slavery was right or wrong from the arena of national politics, confining it to the legislatures of the territories, as it had been confined (substantially) to the legislatures of the states before the territorial issue arose.

Lincoln, however, did not believe that the question of the morality of slavery should be so confined—even if it could be. Nor did Lincoln ever come to regard the Civil War as a breakdown in the democratic process. According to Lincoln, the Civil War, far from being a breakdown of the democratic process, was a test, a "fiery trial," the end result of which was, not failure but a "new birth of freedom."

Lincoln was able to make such a different judgment because he believed that the basic assumption of American democracy was not what Craven has described it to be. Lincoln assuredly accepted the assumption described by Craven, but he would have denied that it is basic. The *basic* assumption was the proposition "that all men are created equal." It was *because* men are by nature equal; *because*, that is, no man is by nature the ruler of another, that government derives its just powers from consent, *i.e.*, from the opinion of the governed. But government based upon the consent of all, must operate upon the only practicable approach to unanimity, namely, the rule of the majority (however defined); and majorities can take shape or form only in and through the process of discussion. It is for this reason that discussion is indispensable to the democratic process; but the principle of discussion can never be separated from the principle of majority rule; *nor can the principle of majority rule be separated from the principle of the natural equality of political right of all men.*

Craven's interpretation of the Civil War is that it brought to a head a latent, and an uncompromisable, difference inherent in American history. This difference is presumed to consist in a contradiction inherent in the Declaration of Independence, upon the one hand, and the Constitution upon the other. The Declaration was framed to *justify* revolution; the Declaration affirmed, according to Craven, that "there was a right and wrong in social things; that there was a good society and a bad society; that the laws and institutions of man should approximate the moral law and the moral order." The Constitution, however, was supposed to protect, not abstract, but "fixed" rights. However, he asks, rhetorically,

> What if the law of the land as embodied in the Constitution should not remain in accord with some men's reason and conscience, and they should appeal to the Declaration of Independence and the higher law it justified?

Then, he notes, the one side would burn the Constitution, while the other would dismiss the phrases of the Declaration as mere "glittering generalities," as doctrines, both "false and foolish." In that situation, "discussion would be utterly useless and compromise impossible."

In the foregoing characterization of the crisis of 1861 there is, however, some-

thing profoundly mistaken. In the first place, Craven has compared the abolitionist position, which was rejected by Lincoln and the overwhelming majority of rank-and-file Republicans, with the view of the vast majority of the South. In 1860 most Southerners rejected the Declaration of Independence. However, in 1860 few, if any, Republicans rejected any of the traditional (*i.e.*, pre-*Dred Scott*) constitutional guaranties to slavery, such as an equitable fugitive slave law—*i.e.*, one designed simply to return fugitives and not to enslave free Negroes. It was the South, rejecting the lawful consequences of majority rule, and not the North, where "the law of the land as embodied in the Constitution" did not remain in accord with men's consciences. It was Lincoln's party that maintained a traditional view of federal power. For the very first Congress that sat under the Constitution, in 1789, had passed a law re-enacting the Northwest Ordinance, excluding slavery from the territory that became the states of Ohio, Indiana, Illinois, Michigan and Wisconsin. That law was passed by a voice vote and signed by George Washington. And in 1820 Congress had excluded slavery from all the remaining Louisiana Territory north of 36 degrees 30 minutes. And all of Monroe's cabinet, including John C. Calhoun and John Quincy Adams, had given it as their opinion that the exclusion was constitutional. But now a Congress dominated by the interests of slave owners had declared that it would not continue the 1820 exclusion if it could; and a Supreme Court dominated by slave state members had declared that it could not if it would.

The Constitution was framed by men who, whether Southerners or Northerners, were committed, by and large, to the principles of the Declaration of Independence. Washington, Madison, Jefferson, Hamilton, whatever their differences, all expressed their belief in the principles of the Declaration. And all conceived of the Constitution as the frame of a government instituted to secure the rights announced in the Declaration. Not one of them would have recognized any more fundamental difference between the Declaration and the Constitution than, broadly speaking, the difference between a statement of ends and a statement of means. What had happened by 1860 was that the South, by and large, no longer agreed with the North—or with their own celebrated ancestors, Washington and Jefferson and Madison—upon the revolutionary creed of 1776. In this sense, it was the Republican party which, at this historical moment, stood forth as the party *both* of the Constitution and of the Declaration. Certainly Lincoln's Cooper Union speech—his most eminently conservative speech—was a thorough historical demonstration that the constitutional power which the Republicans then held it to be both the right and duty of Congress to exercise, was one which had been repeatedly exercised by men who had sat in the Philadelphia convention of 1787, men who had made the Constitution.

Craven not only reproduces the inaccuracy of Douglas's position, in assigning the revolutionary role to the Republicans and not to their opponents, in 1858 and 1860; but he also contradicts himself in maintaining that the South at once regarded the Declaration as "false and foolish" and yet recognized

slavery as an evil which would not long be tolerated. He quotes from a letter from Alexander Stephens to Lincoln, written in December 1860, in which Stephens—who had opposed Georgia's secession, and who was an old friend of Lincoln—said that the South did not "directly and immediately" fear Republican interference with slavery in the slave states. But, according to Stephens, the South could not trust a party organized upon the antislavery principle to abide by constitutional restraints, once it became the master of the federal government. There was, he said, "no telling where . . . impulses or passions may drive." "He knew," writes Craven, "that honest men would not long accept evil, even though that evil be legal . . . " Yet if Stephens, who was a thoroughly honest man, knew what Craven says he knew, it is passing strange that he should, in the same letter, candidly avow to Lincoln that "We at the South do think African Slavery, as it exists with us, both morally and politically right. This opinion is founded upon the inferiority of the Black race." If the Constitution was established to secure the rights proclaimed in the Declaration, it was inevitable that a change in opinion which culminated in proclaiming the Declaration a self-evident lie, would of necessity lead to an equally great change in the conception of the meaning of the Constitution. When Taney, in the *Dred Scott* decision, said that, according to the Founding Fathers, the Negro had no rights which the white man was bound to respect, he was asserting an opinion that was common among the political leaders of the future confederacy, but was as uncommon among the political leaders of the Revolution. But the Constitution, in practice, is bound to have such concrete meaning as the judges say it has. Was it then not the right and duty of all men who, in 1858 and 1860, still believed in the Revolutionary faith of Jefferson, to organize a party which would elect a President who would appoint judges, who would in turn interpret the Constitution in a manner consistent with that faith?

Craven is mistaken also in his conception of democracy, as a system in which action is always delayed until a compromise adjustment of differences is attained. Democracy, like any form of government, always terminates discussion with action; and the nature of governmental action is such that *indefinite* delay is impossible. In Lincoln's view, the combination of the Kansas-Nebraska Act and the *Dred Scott* decision presented the possibility of an indefinite extension of slavery, and a decision had to be taken, and taken soon, whether to permit this possibility to become an actuality, or to make it an impossibility. And Lincoln believed that no free government could long endure which, in the face of such a crisis did not take the decision to treat slavery as being, at best, a necessary evil. There was no question, in Lincoln's mind, of making counsels of perfection the immediate basis of political action. But equally, there was no question of treating the counsels of evil as if they were of equal worth with the counsels of good. The nation need not—as it could not without war—abolish slavery. But it must not tolerate its extension; or anything else tending to its perpetuation.

Craven notes that the South had millions of dollars invested in slave property. In fact, the figure has been estimated at more than two billions. But it

was the virtual *doubling* of the prices and market value of slaves in the decade before the Civil War that made this investment such a source of trouble. This, of course, was due to the profit made, and in prospect, from the Negro's labor. And it was because the opening of new slave lands was believed to be indispensable for the protection and continued enhancement of this value that the South was willing to fight, rather than consent to the closing of the territories.[1] Of course, the race question vastly complicated the difficulty, and racial feelings contributed to make freedom for the slaves unthinkable to most Southerners. Yet it was Lincoln's conviction in 1858, that the race question appeared more insoluble than it was, so long as it could be exploited as a shield behind which the South might continue to justify the brute economic exploitation of the Negro. If a *cordon sanitaire* of free states were to surround the slave states, if the slave states were to be a steadily declining fraction of a growing Union, if slavery were to decline in *profitability, then* the racial difference might not be insoluble. If, in short, slave-owners had the same economic interest in finding ways to end slavery, as they had now (in 1858) to continue and strengthen it, ways and means now unthinkable might yet be looked upon with favor.

III

According to Lincoln, free government, government by discussion and by majority rule, was possible only among men who accepted the proposition of the original equality of human rights affirmed in the Declaration. The Declaration was, as Craven himself notes, used to justify armed rebellion. Its signers could not, if they possessed any wits at all, have believed in any unqualified sense that "men are endowed with reason enough to rule themselves and that they have consciences which impel them to deal justly with their fellows. . . ." For does not the Declaration contain a long catalogue of unjust acts which the Signers presumed themselves to have suffered at the hands of their fellows? And were they not, at that moment, themselves appealing to the God of battles? Men's reason is all too frequently mistaken, and never more so than when it is led astray by selfish interests. The argument for free government is, that by making government responsible to the governed, it places a great restraint upon the abuses to which the reason and consciences of men are prone. But the great engine of reason and conscience, in a free society, is the awareness that the freedom of each man, and his security from the abuses of power, consists precisely in the recognition that every other man is entitled to the same freedom, and the same security. If, as in the theory of Douglas, a local majority simply because it is a majority, may enslave one minority, why may it not then

[1] The historiography of which Craven is a leading exponent has long held that slavery was economically moribund, and must have died a "natural" death, if only politicians had not exploited it for their own reasons. The classic statement of this thesis is Charles W. Ramsdell's essay, "The Natural Limits of Slavery Expansion," *Mississippi Valley Historical Review*, Vol. 16 (October, 1929), p. 71. It has been subject to a detailed critique, and definitive refutation, by Alfred H. Conrad and John R. Meyer, in "The Economics of Slavery in the Ante Bellum South," *Journal of Political Economy*, Vol. 66 (April 1958), p. 95.

enslave another? The inner logic of the pro-slavery argument—whether Douglas's "don't care" version, or Calhoun's positive good version—was such that it endangered the rights of any and every man who advanced it or accepted it. This Lincoln demonstrated as follows:

> If A. can prove, however conclusively, that he may, of right, enslave B.—why may not B. snatch the same argument, and prove equally, that he may enslave A?
>
> You say A. is white, and B. is black. It is *color*, then; the lighter having the right to rule the darker? Take care. By this rule, you are to be slave to the first man you meet, with a fairer skin than your own.
>
> You do not mean *color* exactly? You mean the whites are *intellectually* the superiors of the blacks; and therefore have the right to enslave them? Take care again. By this rule, you are to be slave to the first man you meet, with an intellect superior to your own.
>
> But, say you, it is a question of *interest;* and, if you can make it your *interest*, you have the right to enslave another. Very well. And if he can make it his interest, he has the right to enslave you.

Douglas attempted to reconcile his position with the Declaration of Independence, by denying that the phrase "all men" included the Negro. In this he followed the Chief Justice in the *Dred Scott* decision. But apart from the historical nonsense of this interpretation—according to which, in Douglas's own words, "all men are created equal" meant that "British subjects on this continent [were] equal to British subjects born and residing in Great Britain" —Douglas transformed a statement of the principles of natural right, principles inherently universal, into a statement of positive right. According to Douglas's interpretation, the rights to life, liberty, and the pursuit of happiness were rights, not of men as such, but of British subjects. It was self-contradictory, however, to call these "unalienable." For a right enjoyed in virtue only of the British constitution may be taken away by that same constitution. And rights which inhere independently of the British constitution are not inherently British, nor may they properly be called such. It is because *all* men, so Lincoln argued, have certain rights, that any government derives its just powers from the consent of the governed. For it is the rights that men have antecedently, and independently of, any civil society, that determine the just order of any civil society. If there were no rights independent of civil society, *i.e.*, natural rights, then all rights would be creations of civil society, and subject to alteration by their creator. It is because the Creator of man's unalienable rights is a higher authority than society, because man enters society already endowed with rights, that just civil society must be restrained by the consent of the governed. Lincoln's classic confrontation of Douglas's unrestrained majoritarianism, with the idea of the restrained majoritarianism derived from the Declaration of Independence, is the following:

> The doctrine of self-government is right—absolutely and eternally right—but it has no just application, as here attempted. Or perhaps I should say that whether it has application depends upon whether a negro is *not* or *is* a man. If he is *not* a man, why in that case, he who *is* a man, may, as a matter of self-government, do just as he pleases with him. But if the negro *is* a man is it not to that extent a total destruction of self-government, to say that he too shall not govern *himself*? When the white man governs himself that is

self-government; but when he governs himself, and also governs another man, that is more than self-government—that is despotism. If the negro is a *man*, why then my ancient faith teaches me that "all men are created equal:" and that there can be no moral right in connection with one man's making a slave of another.

Judge Douglas frequently, with bitter irony and sarcasm, paraphrases our argument by saying: "The white people of Nebraska are good enough to govern themselves, *but they are not good enough to govern a few miserable negroes!*"

Well, I doubt not that the people of Nebraska are, and will continue to be as good as the average of people elsewhere. I do not say the contrary. What I do say is, that no man is good enough to govern another man, without that other's consent. I say this is the leading principle—the sheet anchor of American republicanism.

Lincoln's political accomplishment in 1858 was to deprive Douglas of the possibility of becoming President. It should be known that, when the campaign of 1858 began, Douglas was considered presidential timber, not only by a majority of Democrats in the country, but by leading Republicans in the east. For Douglas had, in the first session of the Thirty-Fifth Congress, led the Republicans to victory over the Buchanan democrats in Congress, who had attempted to fasten the fraudulent Lecompton slave-state constitution upon Kansas. Yet it was intolerable to Lincoln to think of a man who had perverted the very basis of the faith upon which free government was erected, as the leader of the political public opinion of the nation. In a free society, Lincoln said, he who molds opinion goes deeper than he who enacts laws and pronounces decisions. The first task of statesmanship is not legislation, but the molding of that opinion from which all legislation flows. The central idea upon which this nation was founded was the equality of all men. The value of the nation was the value of this central idea. Constitution and Union were means to an end. But "all men are created equal," partially as an aspiration, and partially as a reality, was the end. To be dedicated to this proposition, whether by the preservation of equal rights already achieved, or by the preservation of the hope of an equality yet to be achieved, was the "value" which was the absolutely necessary condition of the democratic political process. That men may be called upon to fight for such a conviction cannot be called a failure of democracy. It would only be a failure if they refused to fight for it.

THE SPIRIT OF PRIVATE GOVERNMENT*

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The affairs of the Teamsters Union have suddenly loomed with an importance seldom recognized in any private association of this highly associated country. No doubt a major source of the recent interest in the internal politics of this and other unions is the fascination exerted by intimations of colorful criminality. Senator McClellan's committee, indeed, has gone far to indulge the widespread taste for this variety of sensation. Some segments of public opinion have obviously been gratified to be given ammunition useful in a campaign to weaken the economic and political power of organized labor. Meanwhile, the prospect for a few elementary reforms has suddenly improved. The American labor movement has acted to cleanse itself of some of the stain which has drawn so much attention. Legislative proposals designed to insure integrity of union elections and financial management are actively agitated.

Nevertheless, publicity and agitation have so far done little to illuminate the basic problem. The public hue and cry about gansters quite possibly may have hindered rather than helped understanding of what is involved. The solutions currently in view may prove destructive to the very institutions whose diseases they purport to cure. If a strong external system of limitations is imposed on union power, the unions may lose much of their usefulness within the social system or their sense of grievance may be whetted to a dangerous edge. If extensive regulation of internal union affairs is legislated, the unions may become so debilitated that their subsequent survival will be a matter of indifference. In either event, a serious loss will be the result. It is a matter of some importance, then, to assess the nature and the scale of the problem that is involved.

As it has so far been presented the problem has been made to appear as one of corruption, gangsterism and exploitation by officers in the Teamsters and other unions. The evidence for this sort of accusation is too extensive to be easily dismissed. Moreover, this type of charge is by no means new. Scandals involving the New York waterfront unions, to take only one conspicuous example, have a long history. An unsavory documentation involving numerous other lines of work could be drawn for a quite considerable portion of twentieth century history. The evils are serious and they are already old. It is perhaps their continuing and long established nature that is most disturbing. Accordingly it is worth asking why they have persisted to such a scale and degree that legislators are seriously considering legislation that may endanger the free associations of the labor movement.

The answer in general terms is that the presently conspicuous evils are, if not superficial phenomena, the extreme consequences of inadequate govern-

* With apologies to the spirit of J. Allen Smith. In much of what follows I am deeply indebted to the insight of the late Lloyd H. Fisher.

mental systems within the afflicted unions. It is obvious that the general membership of unions in which misuse of funds has occurred has not willed the misuse. The trouble lies primarily in the governing institutions of these unions. Moreover, there is much evidence, also of long standing, that these institutions of private government have been responsible for other, less spectacular, forms of abuse. In view of the present demands for legislation it is worth recalling the prophetic words of the American Civil Liberties Union in 1943:

> It is evident that unless the abuses in trade unions which have aroused widespread hostility are corrected, the drive for legislative control may not only undo the great gains for labor's right of recent years, but also impose unwarranted restrictions. Those abuses arise largely from lack of democratic practices in many unions—resulting in the exclusion of Negroes, women and others qualified by their skills, in limitation of membership by high fees, in control by autocratic cliques, or in a few unions by racketeers—and in the failure of some unions to hold regular and fair elections and to account to the membership for union funds.[1]

This warning was, in turn, an echo of earlier warnings by troubled observers of union government.[2] The McClellan Committee is only the latest and loudest of a long line of critics of union governmental practices.

One of the most troubling aspects of the problem, at least for those who are not convinced that labor unions are *per se* evil, is that of all private associations, unions are perhaps the most consciously devoted to an ideal of democratic self-determination. The depth of the present disillusionment with the occasionally seamy reality is measured by the height of the aspiration.

This suggests, however, that the problem of private government is not entirely limited to trade unions. There are other such governments and some of them possess important powers both within the large society and over their own memberships, though many are of little consequence. Professional associations, trade associations, farm and veterans organizations are examples of areas in which the problem of government, never an easy one to solve in any context, persists. With the very large exception of the corporation, from which the concept of membership seems largely to have vanished, this is the primary problem of the private associations. They may exercise strong disciplinary powers over their members and sometimes wield public powers of licensing, rule making and policy forming. In spite of important differences among them their similarities are striking. Although no inclusive or conclusive generalization regarding all of these associations is likely to be forthcoming soon, the

[1] American Civil Liberties Union, *Democracy in Trade Unions, A Survey with a Program of Action* (New York, 1943), p. 3. The ACLU conducted a resurvey in 1951 which produced no evidence of change, although it did offer a spirit of cautious optimism.

[2] Some of the more notable early discussions are: Joel Seidman, *Union Rights and Union Duties* (New York, 1943); William W. Stafford, "Disputes Within Trade Unions," *Yale Law Journal*, Vol. 45 (1936), pp. 1248–1271; Copal Mintz, "Trade Union Abuses," *St. Johns Law Review*, Vol. 6 (1932), pp. 272–313; Miller D. Steever, "Control of Labor Through Union Discipline," *Cornell Law Quarterly*, Vol. 16 (1931), pp. 212–226; Note, "Elements of a Fair Trial in Disciplinary Proceedings by Labor Unions," *Columbia Law Review*, Vol. 30 (1930), pp. 847–862.

question of the spirit of their governments arises from the present scandals within some of the trade unions. This is true not only because of the obvious similarities among many of the more important associations, but also because a diminution of the freedom of any may prove a threat to that of all. It is a serious matter, for they are essential strands in the web of government and necessary to the scheme of freedom.

There is a temptation to assume that the character of these private governments is fundamentally similar to that of public government, that they are small scale replicas of the larger official bodies with which we are better acquainted. After all, the same people are citizens under both orders of government and hence can be expected to enforce the same political ideals in each sphere. In a vague way, moreover, most Americans are familiar with the operations of these private governments, so much so that these are often taken for granted and go without serious examination. The question is worth asking, then, what are the common characteristics of private government in the United States? Do our private governments share the same institutions, the same concepts and the same political theory as the large public government?

I

The most common approach to the study of private government is by a sociological mode of analysis. A union, a veterans association or a farm organization is subject to some of the problems, difficulties and trends which recur in other organizations. Each is likely to have a bureaucracy. Some of the characteristic problems of bureaucracies may be anticipated. Perhaps a more useful guide, however, is Michels' "iron law of oligarcy."[3] This type of analysis has been applied to trade unions with results at least as convincing as those which Michels derived from his examination of the Social Democratic parties of Central Europe.[4] The present ordeal of the American labor movement can be studied in this framework. Underlying these approaches, however, is a long line of political thought. The problem of controlling private government—of a union, or indeed of other associations—is not intrinsically different from that of controlling public government. The root of the matter is the concept of authority.

The source of authority in a trade union is said to be the same as that in a democratic state, the membership or the whole of the citizen body. In a small organization, as in a local, the membership (or a given portion of it defined as a quorum) meets and makes its own governing decisions. Ideally the presiding officer is no more than a moderator acting only to preseve the conditions of orderly discussion and decision. The meeting itself is the sovereign body. It is the ideal of the town meeting, of direct democracy. In a large organization,

[3] Robert Michels, *Political Parties*, reprinted by the Free Press (Glencoe, Ill., 1949).

[4] Some of the most incisive applications of this analysis to unions were made many years ago. See Sylvia Kopald, *Rebellion in Labor Unions* (New York, 1924); and Will Herberg, "Bureaucracy and Democracy in Labor Unions," *Antioch Review*, Vol. 3, pp. 405 ff.

however, the meeting of the whole citizenry or membership cannot be approximated by these devices. The effective substitute is the convention. The convention has some similarities to a legislature; but it also has important differences. Some of its actions as a convention will resemble those of a legislature. The delegates are not representatives in the same sense as are, say, Members of Congress who meet continuously for extended periods. They are a much closer approximation to the town meeting of the citizenry.[5]

Accordingly, the convention will pass not only resolutions stating policies and "laws" or "statutes" but also frequently constitutional amendments as well. This latter practice is not universal among trade unions, but is nonetheless quite widespread. It underlies the fact that the convention is quite generally regarded as the embodiment of the sovereign power of the general membership when it is in session and not merely as an ordinary legislature. An incident in the 1944 convention of the United Mine Workers will illustrate. At this convention, President John L. Lewis of the union received a personal telegram from the Secretary of the Interior. Lewis referred the telegram to the convention and a reply was sent to the Secretary of the Interior in the name of the convention. A second telegram addressed personally to Lewis arrived and he then proposed the following reply before the assembled delegates:

> You do not seem to understand that our telegram to you was adopted by the unanimous vote of 2700 delegates elected by the mine workers of the nation in their home communities. This convention is the supreme authority of the Union. We are the employers of John Lewis and he is responsible to our orders. While this convention is in session we will answer his telegrams if we elect to do so. When we go home you can move in on him if you desire but watch your guard and protect your wind. We think he will go around you like a cooper around a barrel.[6]

The telegram was adopted with one dissenting vote by the convention as its own.

The fiction that the union leadership is no more than the servant of the assembled membership was perhaps transparent in this instance. Nevertheless the underlying theory was consistent with the temper of the reply. Moreover, the existence of the theory sometimes has important consequences. Thus, during the steel crisis of 1952, which resulted in President Truman's seizure of the steel mills, Philip Murray, President of the Steelworkers, succeeded in getting passage of a measure forbidding the union leadership from accepting a truce plan without approval of a special convention. As a tactical measure it almost precipitated extreme action by the federal government and had hastily to be repudiated by Murray and the union leadership.[7]

While the convention is in session, then, the leadership serves in theory only

[5] The convention's similarities to the British Parliament are superficially greater. However, to press this analogy is to ignore the strong constitutional restraints that have developed to circumscribe the actions of Parliament. Such a development has not occurred in American trade union conventions.

[6] Quoted in J. Kovner, *Report on Conventions*, typescript, p. 337.

[7] The incident is told in Grant McConnell, *The 1952 Steel Seizure*, a forthcoming publication of the Inter-University Case Program, University of Alabama Press.

as an extension of the function of the moderator of the meeting of a small group. The leadership is without any authority of independent action, and can only carry out the mandate of the collective decisions. The convention in order to fulfill the many tasks facing it in a short span of time is compelled to rely on the work of temporary committees. These also, however, are but the agents and servants of the larger body. By a further extension, these characteristics also attach to the periods between convention sessions. In a great variety of provisions, from arrangements of election at conventions to requirements of ratification of officers' actions by the next convention, this pattern is made clear. Thus the officers keep their skirts legally clear of personal responsibility while the members are flattered with the illusion of sovereign power. From time to time as in the examples given above, the fictional character of the pattern becomes apparent, but generally these instances are regarded as exceptional.

In theory, then, the executive body of the union is a committee or group of officers *of* the whole membership as embodied in the convention. While it may make a very real difference whether the officers are elected in convention or by referendum vote, the theoretical conception is not greatly different. The officers are in theory definitely subordinate to the convention, a term which implies a body with constituent powers. The convention will usually dissolve at the end of its meeting. The president will often have power to summon a new convention, but its members then will be newly elected and possessed of a completely fresh mandate. Its authority, whatever the variations of practice, will be far greater than that of any legislature, and virtually unlimited. And this authority in turn will serve to justify the exercise of power by the leadership after dissolution of the convention.

The officers, in fact, have very great power during the time when the convention is not in session. This is not only real but authorized, and is not normally considered as usurped. In some organizations the actions of the President are specifically made subject to the approval of the executive board—of which he is of course the chairman. Some have regarded this as a check on his power, but it is important to see that this type of provision is intended less as a check on power itself than as a form of insurance that the will of the membership is carried out. In point of fact, such a provision is a very slight check in any sense upon presidential power.[8] Whatever the facts, however, it is quite clear that the purpose does not aim at a division of power.

In a larger sense, the evaluation of private government in terms of its checks and balances is beside the point. For, as with the checks on executive power, there is little conception of checks and balances as a system. The convention is not a legislature and the executive is only an instrument of the general membership as represented in convention. The executive board is only an agent and

[8] See Philip Taft, "Constitutional Power of the Chief Officer in American Labor Unions," *Quarterly Journal of Economics*, Vol. 62, pp. 459–471. However, compare the tenor of that discussion here with his *The Structure and Government of Labor Unions* (Cambridge, 1954), especially ch. viii.

the president its continuing chairman. These bodies neither check each other, nor are they intended to. It is true that measures are taken in some unions for auditing funds (one of the problems in which experience has been most disillusioning) and for the unseating of officers. Nevertheless, these devices are both frequently weak and have appeared as grafts on a scheme of government to which they are intrinsically foreign. There is no *system* of checks and balances here.

If we look for other important features of public government in the United States within the government of unions—and most other associations—there are additional differences of importance. The most striking of these is the absence of a bill of rights. In almost any union constitution it is possible to cull a list of membership duties which could stand as a bill of obligations, but almost never a comparable list of members' rights of the order of importance of those in the first few amendments to the federal Constitution. Such enumerations of rights as are found are apt to be those not accorded to non-members; they are not the rights of members against the association or its government. On the other hand, the items of the "bill of obligations" are both numerous and inclusive. Thus, "conduct unbecoming a union man," "creating dissension," "slandering an officer," and "undermining the union" are frequently made punishable offenses.[9]

There are guarantees of a rudimentary kind for trials and appeals. They need to be viewed, however, in the light of the common provision of penalties against members who seek redress of grievances against the associations in public courts of law. The public courts are generally unwilling to take jurisdiction over such issues where there is a system of internal appeals and the entire course of this system has not been run. Typically the system calls for an original trial by a trial committee of the local organization; decision by the local; appeal to the president or executive council of the national organization; appeal to the convention, with action by a trial committee, and final decision rendered by majority vote of the convention. This system may in some stable situations permit the development of a body of case law and a rule of *stare decisis*, but it is hardly conducive to either.

Any discussion of United States government, or of any western democracy, would be very unrealistic if it did not treat the party system. In the government of the union, however, parties have almost no place. The practice of most unions is antagonistic to parties. In some organizations, parties are in effect forbidden by constitutional rules against circulating partisan electioneering materials or participating in "outside" meetings relating to union affairs. Thus, the Constitution of the International Brotherhood of Electrical Workers makes the following offenses punishable by fine, suspension or expulsion:

> Attending or participating in any gathering or meeting whatsoever, held outside meetings of a L.U. (local union), at which the affairs of the L.U. are discussed, or at which

[9] See the tabulation and discussion in Philip Taft, "Judicial Procedure in Labor Unions," *Quarterly Journal of Economics*, May 1945, pp. 370–385; see also his *Structure and Government of Labor Unions*, pp. 123–125, for an apologia.

conclusions are arrived at regarding the business and the affairs of a L.U. or regarding L.U. officers or a candidate or candidates for L.U. office.

Mailing, handing out, or posting cards, handbills, letters, marked ballots or political literature or any kind, or displaying streamers, banners, signs or anything else of a political nature, or being a party in any way to such being done in an effort to induce members to vote for or against any candidate or candidates for L.U. office, or candidates to conventions.[10]

These provisions are somewhat more stringent than those in some other union constitutions, but the point of view expressed is widely shared. Thus Philip Murray, one of the most justly revered of American labor leaders, warned the 1942 convention of the Steelworkers at its first meeting:

I do not want—as a matter of fact, I shall fight any attempt that is made to have little back room caucuses while this convention is going on. There is going to be one convention in the city of Cleveland and it is going to be held in this hall. We are not going to permit sharp practices and petty politics to be played in the Steelworkers. So if any of the boys are thinking right now of midnight sessions in strange places in the city of Cleveland, just begin to forget about it right now. There is only going to be one convention. . . . That is the democratic way to do business. . . .[11]

Statements in a similar spirit have been made by numerous other prominent labor leaders, and convey the orthodox doctrine. Some factionalism does occur in many unions, but it is generally deplored within them and tends to die out with the complete victory of some of the contenders. Only one private association of importance, the International Typographical Union, has to my knowledge an *institutionalized* system of parties. This organization, recently the subject of an intensive study,[12] is so unique that it only sharpens the impression of an almost universal distaste for disunity and division within other unions.

The amendment process of many unions is also quite different from that of the United States government, and ordinarily much easier to work.[13] Practice is somewhat varied. Although some union constitutions may be amended only by a two-thirds vote, sometimes in convention and sometimes by general referendum, it is not at all uncommon for amendment to be by majority vote in convention. The distinction between constitutional amendment, ordinary legislation and specific decree therefore tends to be very blurred in such associations, and is not especially distinct in some of the others. This attitude toward constitutional amendment was expressed many years ago by John Mitchell, President of the United Mine Workers:

The constitution of the trade union, moreover, has been evolved by and through the efforts of workingmen. The trade union is a government of workingmen, by workingmen, for workingmen and the framers of its constitution have been workingmen. Although the

[10] *Constitution* of the International Brotherhood of Electrical Workers, Art. xxvii, 15, 16.

[11] Quoted in Kovner, *op. cit.*, p. 207.

[12] S. M. Lipset, M. Trow and J. Coleman, *Union Democracy* (Glencoe, 1956).

[13] The comparision with amendment to state constitutions is of course much closer. This underlines some of the similarities between private governments and small units of public government, a topic with which I expect to deal in a later discussion.

supreme law of the union was not formulated by highly paid constitutional lawyers, nevertheless, it represents in a clear and definite manner the ideals, purposes, and aims of the great majority of the members of the organization.

The faithfulness with which trade union constitutions represent trade union sentiment is due to the elasticity of these constitutions. The government of trade unions is loose and flexible and neither constitution nor by-laws are rigidly fixed and immutable. The object of the leaders, as of the rank and file of trade unionists, has been to preserve the largest possible elasticity and freedom of movement to the ruling majority of the organization. In trade union management, there is no tyranny of the 'dead hand.' Even the most conservative unions are not bound by a blind, unthinking worship of an outgrown instrument, but adjust their form of government to the changing needs and exigencies of the times.

To a certain extent, therefore, the formal written constitution of a trade union is rather a statement of principles and a formulation of the present policy of the union than a hard and fast determination of its future laws. Trade union constitutions are easily changed.[14]

When these principal features of trade union government are considered together they fit into a remarkably consistent pattern. They are all derived from the same central conception of politics, sometimes termed majoritarian democracy. The term, however, is somewhat misleading as a description of the political realities of these associations. It suggests that a very high place is given to majority rule. In actual practice, nevertheless, something more than mere majority assent is sought. In the common stress upon "not washing dirty linen in public" and in the frequent decrying of factionalism, is embodied a goal far closer to unanimity than simple majority rule.

Unity is seen as the price of staying organized. The fear of organizational disintegration is recurrently the decisive factor in the framing of governing institutions. Although this fear may often be the immediate motivation, the arrangements which emerge are consistent with a particular conception of democratic rule. Even more important than the fear of disintegration is the belief that such devices as checks and balances and constitutional limitations are both unnecessary and improper. The argument may be summarized shortly: if power is good why limit it? If power is evil why have it? Since the organization is the total of its membership and since its goals are the common goals of its members, limitation of the organization's power is not only undemocratic but also irrational.

This conception of government seems to be quite pervasive throughout the array of American labor organizations. However, it is not peculiar to unions. How widespread it is among other types of association it is impossible to say in the absence of any comprehensive survey of all the multitude of American associations.[15] Nevertheless, even the most casual inspection suggests that it is common to many farm organizations, veterans organizations and numerous others. Available evidence does not permit the generalization that this is the universal conception of the private membership organization in the United

[14] John Mitchell, *Organized Labor* (Philadelphia, American Book and Bible House, 1903), pp. 75, 76.

[15] But *cf.* Robert A. Horn, *Groups and the Constitution.*

States. Yet, apart from business firms and hierarchial churches, it would seem a strong hypothesis that this conception of government is the most prevalent among these associations. What, then, is its validity?

II

If such a conception were offered for the government of the United States it would, it is probably safe to say, be rejected by most people. It is incompatible with the actual practice of government in any large democratic society we know of. Moreover, many people would also reject it as a proper conception even if institutions compatible with it could be put into effect. The question accordingly arises whether there are peculiar characteristics of the private associations which justify such an acceptance among them.

A simple answer to this question cannot be given. Not only are the unions and other associations exceedingly varied, but the common aspects of their situations are numerous. It is necessary to look at these common characteristics one by one.

Perhaps first among the general traits of private associations is that emphasized in the word *private*. The implications of the concept of privacy have perhaps never been thoroughly and systematically explored, but it is safe to say that it is fundamental to western traditions of government. It is closely tied to the idea of constitutionalism, which implies a theory of limitations upon the sphere of public government. Most typically, the distinction between *public* and *private* relates to the state and the individual. Here, however, the tradition of real corporate personality as developed by a long line of pluralist thinkers from Althusius to Laski (in his early phase) is involved. It is connected with the distinction between state and individual, but is nevertheless a complex elaboration of that distinction. Most of the pluralists of earlier times combined a deep concern for individual rights with enthusiasm and concern for the corporate personality of the association. If there is an irony here, it has become apparent only in fairly recent years.

In immediate and practical terms, the privacy of associations has stood as one of the principal barriers to the rise of totalitarianism. Modern history has given sharp warning that when the private association is robbed of its private character, the individual also risks loss of his privacy. Perhaps the essential step in Hitler's consolidation of power was the destruction or perversion of Germany's private associations.[16] The same record is to be traced in the communist countries. Defense of the distinction between public and private as regards associations, then, is of great importance, even when the line is difficult to draw.

A second distinctive characteristic of these associations is autonomy. Almost all assert a right to be self-determining and self-governing. This may take the form of an appeal to the historical origin of the association in spontaneous meeting of like-minded individuals. However, it is often asserted equally where

[16] The point is elaborated by Emil Lederer in *The State of the Masses* (New York, 1940).

such an origin cannot be claimed. Thus, for example, the claim of autonomy is hardly less strong among those unions of the old CIO which were the direct creations of organizing campaigns whose leadership was provided by older unions. The claim and its presumption of rightfulness within the context of American labor ideology was one of the difficulties encountered by the CIO when, a few years ago, it "tried" several of its component unions for communist domination and then attempted to destroy them by establishing new organizations to take possession of the convicted organizations' jurisdictions. Autonomy here seemed to reside in the international union rather than in the federation and it was asserted quite as much against the federation as it is now being asserted by the Teamsters against both federation and public government.

Traditionally the claim to autonomy has involved a hesitancy to utilize the aid of public action, even where this aid could be demonstrated to offer much to the constituencies of the associations. Thus, when the wave of discussion of the merits of unemployment insurance such as had been enacted in Great Britain in 1911 reached this country, the AFL regularly went through controversies whether it should support such a measure. From 1916 to 1932, even through the bitter early years of the great depression, the official (albeit sometimes challenged) position of organized labor was that lesser social security with autonomy for labor's organizations was better than greater social security provided through the medium of public government. The argument that what government might give government might also take away was in part founded on good grounds for mistrust; it was also a rationalization of the desire for undivided member loyalties. If there was a nice counterpart here for the claims of *laissez-faire* from the business organizations, it was also true that the more conservative and consistent position in practice was that of organized labor. Even organized agriculture, traditionally more willing than either organized business or organized labor to resort to public government, has attempted at various times to act autonomously. The Society of Equity was sponsor of a plan for farmers to withhold their produce from the market until the Equity-declared prices were met. It was good, if simple, imitation of business practice. It was also an attempt to maintain autonomy. The farm organizations have sought a similar goal with their cooperatives.

An important corollary of autonomy is the claim of the association of a right to formulate its own constituency. Nearly every association lays down conditions of membership, both as to entrance and continued membership. The conditions of eligibility are usually quite explicit. Oaths or pledges are frequently required of new members. Candidates for membership, even when they are solicited by the organization, must come as suppliants or at least applicants, the formal decision on acceptance being made by the association.

The third trait of these associations important here is limited purpose. The associations do not purport to concern themselves with all aspects of their members' lives. Sometimes the purpose is stated quite specifically, as for example: "To establish through collective bargaining adequate wage standards, shorter hours of work and improvements in the conditions of employment for

the workers in the industry."[17] At other times the object may be quite vague.

In either event, there is a presumption that the objects of the association do not encompass the entire range of the individual constituent's interests or preoccupations. The individual will have his own privacy—other aspects of his life not subject to the authority of the one association—and he will, accordingly, have other loyalties. So a man may be a trade union member of a particular craft; but he may also be a church member, a Legionnaire and a member of a team in the municipal bowling league, to say nothing of his place within his family or in a political party.

The fourth trait is homogeneity. This is in considerable degree a corollary of some of the characteristics already listed. Since the autonomous association has selected its membership, and since its purposes are limited, within the scope of the association there will be only people of similar characteristics and of like minds. Most important, there will be no conflicts of interest and no grounds for legitimate conflict within the association. There is thus a presumptive absence of the basic political problem which other democratic societies of larger scope must resolve. If there is no conflict of interest or outlook, the only possible reasons for conflict will be error, personality or something amounting to treason. The condition of homogeneity is precisely the solution Madison named in his famous argument in Federalist Paper Number 10, but felt compelled to reject as a solution to the problem of faction in the larger society.[18]

The fifth characteristic which may be distinguished is that the association is voluntary. So, although the association may determine its own membership be decisions on admission and continuance, the individual member also makes a decision to join or not. Typically he must actively request admittance. He is not a member—as he is a citizen by birth in a state—automatically, but by virtue of positive choice. Voluntary choice to belong is an essential condition. Initiation and probationary status serve to emphasize the element of individual choice in joining. Equally important, however, is the right of choice in the individual member to resign. Resignation is the ultimate recourse of the individual and the element which finally distinguishes the private association from the public body.

The voluntary aspect of private associations has repeatedly been held to place them in a very special relationship to democracy, one often so special that it may be described as a necessary condition of democracy. This was cogently argued by the pluralists of several decades ago. More recent writers, however, have repeated the argument forcefully. Thus:

> A State where no voluntary organizations exist cannot be democratic, for it is impossible to conceive of a society of free individuals without combination of like-minded in-

[17] Second object of the United Steelworkers of America, stated in Article II of its *Constitution*. The other two stated objects are to unite all eligible workers and to secure legislation safeguarding the economic security and social welfare of workers in the industry.

[18] This argument has been previously advanced in Lloyd H. Fisher and Grant McConnell, "Labor Union Solidarity," in *Industrial Conflict*, Kornhauser, Dubin and Ross. ed, (New York, 1954).

dividuals. Out of the freedom to combine arises organized opposition which is an essential characteristic of political democracy. A further expression of democracy within a State is the consent element of voluntary societies; i.e. the right of individuals to join the societies of their choice and to leave those societies at their discretion. Thus even in a state where combinations of poeple, for whatever purpose they desire, are permitted, there cannot be complete political freedom if some societies impose sanctions on those members of the community who do not wish to join. . . . A society based on consent, as voluntary societies are, possesses the essence of political democracy even if it does not have the machinery to enable its members to control it.[19]

Thus, the voluntary quality of private associations implies consent to their governments, and this in turn carries the meaning of democracy not only to the internal life of the association but to the great society as well.

It should be apparent that these different charactieristics of the private association to a very large degree overlap and rest upon each other. The meaning of privacy is impaired without autonomy. Homogeneity cannot be achieved without limitation of purposes and voluntary choice underlies the entire arrangement. These, indeed, are all aspects of a single perception of the private association.

The conclusion at this point, then, must be that insofar as the conditions prescribed in this perception are met, the system of government which has been described earlier is proper and is reconcilable with the goals and objectives to which we are committed in the government of the United States.

III

The question then remains: to what extent are the qualities so described actually found in existing unions and other private associations?

The first problem involved here is the private character of the associations. How well have they maintained the distinction between "public" and "private"? Obviously, no precise answer in general terms is possible. It is apparent, nevertheless, that for many associations the distinction has been seriously blurred in recent years.

This is most apparent with labor unions. Until 1933, it could reasonably be argued that their private character was unimpaired. The American labor movement had rejected political means of action, that is to say, means involving public government. Not only had socialism been decisively defeated within the labor movement but positive legislation of however mild a character was mistrusted. This is most striking with regard to social insurance. Not until 1932 did the AFL so much as commend unemployment insurance. The only legislation commanding strong official enthusiasm was directed against labor injunctions, that is, legislation designed to curb state intervention in labor disputes. Organized labor sought its goals through the medium of its own economic bargaining power. It would be difficult to imagine a more thorough-going observance of the distinction between what is private and what is public.

With the passage of the National Industrial Recovery Act and its Section

[19] V. L. Allen, *Power in Trade Unions* (London, Longmans Green and Co., 1954), pp. 9, 10.

7-A, and more particularly with passage of the Wagner Act, and with organized labor's acceptance and utilization of the provisions assisting labor organization, however, labor and its organizations departed radically from its previous position. This was not just a matter of legal theory. Since the law conferred exclusive bargaining rights upon a union which succeeded in winning a majority in a government-supervised election, that union acquired a substantial measure of public power, power which extended to individuals and minorities who had not voted for the union in the election. The process of NLRB-supervised elections has been widely resorted to by American unions. The surrender of privacy so entailed was not fully apparent, however, until the Taft-Hartley Act was passed. Although some unions have indicated a willingness or preference to revert to the situation existing before the passage of the Wagner Act in this respect, the element of privacy has not been regained.

Different situations prevail with other associations. Nevertheless, it is apparent that for many of them a question remains whether their private character has been preserved. Often, for example, the exercise of licensing powers is delegated to "private" associations, even though the coercive power involved is that of a state.[20] In the clearest case of this sort an association receives a direct delegation. In other cases professional or trade associations are given the power of nomination of personnel, virtually as a form of representation, to official licensing and on occasion, to policy-making boards. This is by no means unusual and is perhaps a growing trend, although conclusive evidence is lacking on this point.

A more perplexing question arises when a private association called into being by actions of governmental officials acquires the power to exert great influence over both policy and administration. This may be in the form of membership on advisory boards of administrative agencies or it may be in the form of an exceedingly influential association frequently commanding the close attention of powerful congressional committees. Examples here are the American Farm Bureau Federation and the Chamber of Commerce of the United States, both of which had direct governmental encouragement in their formation.

Obviously, in situations such as these there is a shadowland between what is public and what is private. The years since the inception of the New Deal have seen much rationalization of this blurring, but clearly it is a concomitant of the growth of associational power in this period. Clearly also, the blurring is incompatible with the previous conception of the private association.

These comments apply too to the claim of autonomy on the part of the private association. Labor unions in taking an extreme position for *laissez-faire* and freedom from social legislation were defending their autonomy *vis-à-vis* the government. In defending themselves from their own federations, however, with whom they have individually had occasional conflicts, the "international" unions are in a sense also defending their privacy against the government. This is not to say that this has been a matter of explicit discussion within

[20] *Cf.* J. A. C. Grant, "The Gild Returns to America," *Journal of Politics*, Vol. 4, pp. 303–336 and 458–477.

the labor movement, but only that here as with other matters of policy, the highly pragmatic leadership of labor has behaved with a greater consistency than it has always been ready to acknowledge. The consequences of large units of organization do seem to have been visualized, however vaguely. If the locus of power within the labor movement is to be in the federations, the common form of action must be broad in character. Almost necessarily it must be a form of political action. Whether this takes the form of pressure for legislation, closely controlled administration or political strikes, it weakens their claims to be uninhibited by governmental action. A similar set of considerations apply to the American Farm Bureau Federation in its development. Much of our early controversy about this association centered around the supposed differences between the county farm bureaus and the state and national federations.[21] It is significant that the particular compromise effected there also involved a compromise over the distribution of power between the local and the federal units of the association. Here, as with the later developments in the labor movement (although to a greater degree), the drift of the gravitational center toward the larger unit inside the association meant a drift toward political action.

As for the third trait of the private association, limited purpose, the practice of some of our more important associations has evidently also departed rather far from the conception sketched above. Some trade unions have sponsored educational plans; others have developed housing and recreational resources for the benefit of their members. The activities of the United Automobile Workers and the International Ladies Garment Workers are leading cases in point. Almost all unions have long established systems of friendly benefits—pensions, insurance and so on—which, however advantageous they may be to their members, also serve the purpose of strengthening the ties of members to the organizations. Agricultural organizations have from their very beginnings sought to solve many of the problems of rural life through subsidiary cooperatives. Many associations seek to demonstrate their civic responsibility by resolutions on matters of citizenship, Americanism and foreign policy.

The fourth trait of private associations, homogeneity, is in some ways the most important. A membership united in interests, beliefs and tastes is itself a solution to the most troubling problem of government. The possibility of achieving such an identity in some measure is the peculiar governmental advantage possessed by private associations. Every private association must and does achieve this in some degree. Yet no association can achieve it completely. There is here, in fact, a latent inconsistency with the characteristic of limited purpose just discussed. A single interest may be shared, but the complexities of human nature are too great for a homogeneity that extends much beyond this. Even where the boundaries of the association are fixed to coincide with the number of people sharing the one interest, divergences of interest will arise and persist within the association. Examples of this are the divergences between

[21] See my *The Decline of Agrarian Democracy* (Berkeley and Los Angeles, University of California Press, 1953), pp. 52–54.

young and old in a trade union having a system of pensions, between employed and unemployed in any union during a depression, between producers of different commodities in a farm organization, between large and small producers in a trade association. There are serious grounds for doubting a claim of extensive homogeneity in any association; they do not rest on the more obvious difficulties of differences in taste, ability and understanding among men. Associations characteristically exaggerate the homogeneity they achieve.

The fifth trait of associations, that they are voluntary, is probably their main reliance in justification of their forms of government. Here it is evident that the penalties for not belonging to an association differ greatly in incidence and degree; and the severity of the penalty is an index of the power of the association. The penalty for not belonging to a particular trade union in some communities may be forfeiture of the right to practice a trade. It may be the same with the right to practice medicine.[22] It may be denial of the most effective means of access to publicly offered benefits, as for example, those of the Veterans Administration. When the right of resignation is accompanied by the availability of membership in competing organizations, the right is worth something. However, there are few trade unions which are in any sense that is meaningful to their members true rivals. In fact, "dual unionism" is accounted a cardinal sin within the American labor movement. General farm organizations do compete in this manner, but their respective areas of strength are different. As for trade associations, it is clear that their fundamental rationalizing impulse is hostile to competition. Where their jurisdictions overlap and open warfare can not quickly settle the boundary, consolidation or demarkation by agreement is soon accomplished. In fact, this pattern seems almost to be a law of behavior of our most significant private associations. The simple fact, then, is that often the private association is not voluntary.

IV

We emerge with the conclusions that (a) the government of private associations is very commonly founded on a theory of absolute democracy; (b) the validity of this theory rests on a series of assumptions about the peculiar characteristics of private associations; and (c) these assumptions are seriously at odds with the facts of the situations of some of the most important of our private associations.

In assessing the significance of these conclusions it must be kept in mind that there are very great differences among the practices of different associations. These differences may be principally of degree, and yet be of great importance. Thus, while there may be some similarities between the governments of the United Mine Workers and, say, the League of Women Voters, to ignore the disparity of tolerance which lies between the two would be to produce a very false picture.

But if the existence of large differences of degree among private associations

[22] *Cf. Yale Law Journal*, May 1954.

is recognized, how widely shared is the theory of government which has been outlined here? No precise answer to this question is possible since no comprehensive examination of the extensive array of private associations has ever been (or perhaps ever could be) made. However, it does appear probable that this theory is very widely shared, even though it may not be universal. The International Typographical Union is the only association of significance which has been offered as a great exception to the rule of the "iron law of oligarchy." Virtually all others which have been made the subject of careful study have to some degree substantiated that "law." The examples of trade unions are particularly important since these profess a special dedication to democratic methods. Their institutions are very generally framed on a strictly majoritarian pattern.

The reasons for the prevalence of this pattern of government in private associations are not easy to state. The most common reason offered is that most associations, certainly most trade unions, are in some degree warring institutions. According to this argument, such an organization needs to present a united front, must not display internal disagreement, lest advantage be given to its opponents. The argument probably had some effect in persuading potential dissidents not to voice their dissent. However, it is not altogether obvious that expression of internal opposition necessarily weakens the organization. The general experience has been that trade unions have been most characterized by the presence of internal opposition at times when the most intense battles for organizational survival have been fought. The times of peace are those in which tolerance of internal opposition declines. The argument seems to rest on an assumption that any internal opposition can end only in complete victory for one of the contending factions, with the defeated would-be leaders going over to the external enemy. This eventuality can be illustrated, but the illustrations hardly support the contention that such is a necessary result.

Perhaps a simpler, if incomplete, explanation lies in the fact that private associations have a tendency to borrow each other's institutions. Trade union constitutions have similarities that indicate widespread copying. Copying has gone on even beyond this. The constitution of the International Typographical Union, for example, was apparently based on that of the Right Worthy Grand Lodge of the Independent Order of Odd Fellows of the United States of America.[23]

But if, for whatever reasons, absolute democracy is the avowed theory of most private associations, is there any ground for concern? This question is sometimes asked and several reasons are offered for a negative reply. One is that the associations are unimportant. It is undoubtedly true that many associations are politically unimportant. The government of a philatelic society is not a serious matter unless to a few ardent philatelists. It and many others may well be left out of the discussion. Yet it is equally true that other associa-

[23] See George E. Barnett, "The Government of the Typographical Union," in *Studies in American Trade Unionism*, Jacob H. Hollander and George E. Barnett, eds. (New York, 1912), p. 19.

tions have great importance in our common life. Another common reason for indifference is that since there is a multitude of associations, their powers will be mutually countervailing. This argument, however, has force only insofar as the proper area of concern is deemed to be the public interest in moderate prices, efficient workmanship and similar issues. A contest between organized labor and organized industry may provide a check on any potential conquest of the state by either. It will not, however, offer any check upon the power of either to oppress an individual member. Insofar, then, as the activities of an association are important, the basis of its internal operations will itself be important and hence a matter of legitimate public concern.

The final conclusion must be that the root of the difficulty with which the Teamsters and other organizations are faced is their common adherence to a mistaken conception of political organization. The very extensively held political theory of absolute democracy gives every opportunity for oligarchic rule in practice. We should not be surprised if oligarchic rule is occasionally corrupt and irresponsible. Perhaps the proper cause for wonder is that these extreme consequences are as infrequent as they are. Even if overt outrages to common standards of justice and democratic responsibility were less frequent, however, we cannot longer look with complacency or indifference on the manner in which major private associations arrange their governments. The results are not to be measured by any count of serious incidents, but rather by the cynicism and apathy of members toward their own organizations, in the tendency to acquiesce in corruption, and ultimately in the public disposition toward harsh intervention in what, in our conception of a democratic society, we should still prefer to regard as mainly private matters. It is unlikely that some of the extreme evils which have been brought to public light will be readily cured by appeals to the afflicted organizations. Nevertheless, the stability of a healthy democratic life in these and other private associations will ultimately depend upon their development and acceptance of a theory of constitutional government. This need not involve a slavish imitation of the particular devices of public government, but at a minimum it must provide scope for guarantees of individual rights and political opposition and for limitations on leadership power. In the exercise of statesmanship this development can come only from within the associations themselves.

THE BRITISH CONSTITUTION AND THE STRUCTURE OF THE LABOUR PARTY

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The British Labour Party defies the classifications which students of the structure of political parties have developed. By its historical origin and its formal organization it would seem to be a mass party in the sense that Duverger and others have used that term. But it has also exhibited, notably since 1945, the characteristics of a traditional parliamentary party, denying its mass membership power and influence and allowing its parliamentary leaders the exercise of full authority. Yet in the nineteen-thirties there was evidence that the Labour Party was developing all the characteristics of a mass party, doctrinaire in its program, unreconciled to parliamentary institutions, and anxious to subordinate its parliamentary leadership to the extra-parliamentary organization. It is the defeat of this tendency and the assertion of parliamentarism in the period since World War II which makes this a decisive epoch in the development of the Labour Party, the study of which offers an explanation of the paradox of the party's structure.

I. THE LEADER

When the Labour Government was formed in July, 1945, considerable uncertainty arose whether Clement Attlee, as Prime Minister, would have normal constitutional authority or whether he would be subject to the control or at least to an unusual influence of extra-parliamentary bodies. For a decade before, students of the British Constitution had expressed concern about the locus of power within the Labour Party,[1] and the question received national attention during the campaign of 1945 when the Conservative Party made it a prominent issue in the famous "Laski incident."[2] That the power of the Leader within the Labour Party was unsettled in 1945 is attributable to the rapidly changing position of the party in British politics during the previous years. Since 1922 when it had become the official Opposition Party in the House of Commons, the Parliamentary Labour Party began to designate its elected chairman as Leader, and when its Leader, in the person of Ramsay MacDonald, twice became Prime Minister, he exercised, according to McKenzie, "the usual prerogatives of the office of Prime Minister and was no more subject to external controls . . . than the Leader of any other party."[3] However, because of the events of 1931, which were interpreted within the Labour Party as a betrayal by its parliamentary

[1] See for example, R. Bassett, *The Essentials of Parliamentary Democracy* (London, 1937), pp. 163–166; Ernest Barker, *Reflections on Government* (Oxford, 1942), p. 83.

[2] The event is recounted in R. B. McCallum and Alison Readman, *The British General Election of 1945* (London, 1947), pp. 144–150, 173–175. Laski's role is sympathetically described in Kingsley Martin, *Harold Laski* (New York, 1953), pp. 160–163.

[3] R. T. McKenzie, *British Political Parties* (London, 1955), p. 317.

leaders, the very prerogatives which MacDonald had exercised became the subject of intense suspicion. In these circumstances elaborate attempts were made to restrict the powers of the Leader, accompanied by strong and authoritative statements about his subordinate position.

The 1933 Conference adopted the position that future decisions regarding the formation of a Labour Government were to be made by the Parliamentary Party with the advice of the National Council of Labour; that if only a minority Government was possible, a special Party Conference would determine the party's intent; that when a general election had taken place, the Parliamentary Party would elect its Leader *after* the new Parliament had been chosen, implying that when the Labour Party had been victorious in an election, the Crown would defer the designation of a Labour Prime Minister until after the Parliamentary Party had selected its Leader for that position; that a Labour Prime Minister would be advised in his choice of Cabinet Ministers by three representatives elected by the Parliamentary Party and by the Party Secretary; that he would "be subject to majority decisions of the Cabinet" and would "only recommend the dissolution of Parliament on the decision of the Cabinet confirmed by a Parliamentary Party meeting"; and that special Cabinet Ministers would be appointed to effect liaison with the party outside of Parliament. In the previous year the Conference had approved a general resolution stating that Labour Ministers "shall be subject . . . to decisions of the Parliamentary Labour Party."[4]

These attempts of the party to assert its supremacy over its Leader did not face the test of office for twelve years and meanwhile, in their untried and essentially theoretical condition, they served as a source of doubt about the constitutional position of a future Labour Prime Minister. Attlee himself gave authoritative expression to this theory of the party's structure when he wrote in 1937, "the Labour Party Conference lays down the policy of the Party, and issues instructions which must be carried out by . . . its representatives in Parliament."[5] But it was also Attlee who wrote seventeen years later that the "proposals . . . made to restrict the powers of any future Labour Prime Minister" were, after "the passage of time and further experience . . . tacitly dropped,"[6] the acknowledgment of a remarkable change for which Attlee himself was largely responsible.

The events of 1945 and 1950 demonstrated that following a general election in which Labour received a majority of seats in the House of Commons, the existing Leader of the party would have the prerogative of forming a Government and in doing so would be beyond party control. The attempt by the party to reserve for itself the decision on whether to form a Government and on the man to lead it proved unworkable for political and constitutional reasons. On

[4] *Report of the Annual Conference of the Labour Party*, 1933, pp. 8–10; *ibid.*, 1932, pp. 208–209. Hereafter referred to in the footnotes as *Report*.

[5] C. R. Attlee, *The Labour Party in Perspective—And Twelve Years Later* (London, 1949), p. 78. This is a re-issue, with a new introduction, of a book first published in 1937.

[6] C. R. Attlee, *As It Happened* (London, 1954), p. 156.

the first question, Jennings points out that under the British Constitution, "Government is the duty as well as the right of the majority party."[7] So long as the two-party system in Great Britain inevitably places one party in the majority, the decision on which party is to form the Government is in effect made by the electorate. In 1945 the matter was never broached within Labour's ranks, but in the close result of 1950 some elements within the party were dubious of the party's advantage in taking responsibility for Government without clear power, fearing that "the awkwardness of the present Parliamentary situation" might force the party to abandon its program and "set before itself a quite different purpose."[8] Attlee, however, realized his responsibilities, and wrote afterwards that although "it was, of course, obvious that with so slender a majority our position in the House of Commons was going to be very difficult and that we could not embark on any major controversial measures . . . the King's Government had got to be carried on, whatever the difficulties."[9]

The attempt of the party to reserve the choice of the Labour Prime Minister until after the election likewise failed. Since 1868, modern constitutional practice requires that when a Government has lost a general election and another party obtains a majority, the incumbent Government shall resign immediately without facing the new Parliament. The purpose is to avoid, in Queen Victoria's words, "delay for the country and the public service."[10] In accordance with custom, Churchill resigned his office on July 26, 1945, five hours after the result of the election had become evident. "The need for Britain being immediately represented with proper authority at the (Potsdam) Conference," he wrote, ". . . made all delay contrary to the public interest. Moreover, the verdict of the electors had been so overwhelmingly expressed that I did not wish to remain even for an hour responsible for their affairs."[11] Under these circumstances the Constitution requires that "where there is a leader of the Opposition, the King must send for him" and that "the monarch should consult no one," for "if he takes advice first, it can only be for the purpose of keeping out the Opposition or its recognized leader" and this is "to take sides in a party issue" or "to interfere in the internal affairs of the chief Opposition party."[12] Constitutional practice has led to the recognition of an "official" Leader of the Opposition, and the Ministers of the Crown Act, 1937, provides for his designation if necessary by the Speaker of the House so that he may be paid the salary provided under the Act. Moreover, a political party which has obtained a majority in a general election is bound in practice to have a recognized Leader; it could hardly have campaigned without one. These political and constitutional considerations assure that there will indeed be a leader of the Opposition, and that he will assume the position of Prime Minister immediately after the election results are

[7] Sir W. Ivor Jennings, *Cabinet Government* (Cambridge, 1951), p. 50.
[8] *Tribune* (London), March 24, 1950, p. 3.
[9] *As It Happened*, p. 196.
[10] Quoted in Jennings, *op. cit.*, p. 456.
[11] W. S. Churchill, *The Second World War*, Vol. VI (New York, 1954), p. 675.
[12] Jennings, *op. cit.*, p. 37.

known. In 1945 the King sent for Attlee at once after Churchill's resignation and without any question or consultation Attlee accepted his commission to form a Government. When the Parliamentary Labour Party two days later confirmed Attlee's leadership, it was according formal support to its new Prime Minister but was clearly in no position to exercise a power of selection. The conditions set out by the party Conference in 1933, although they were actually reiterated in private in 1945 by Harold Laski as chairman of the National Executive Committee, were ignored.[13] The practice thus established was eventually articulated when the Parliamentary Committee of the party in 1957, considering the general question of the Monarch's prerogative in the designation of the Prime Minister, declared that "When a change of Government takes place after a general election . . . it is well understood that the Leader of the party which has won a majority is automatically invited by the Crown to form a Government."[14]

The strictures of the 1933 Conference regarding the manner in which Ministerial appointments were to be made in a Labour Government were likewise disregarded when put to the test. Attlee was forced to make his major Cabinet appointments in 1945 under great pressure of time, since the Potsdam Conference waited his return. He not only failed to appoint the "advisers" from the party, as the 1933 regulations required, but under the circumstances, he even shortened the normal intra-party consultations; the initial selections were made within twenty-four hours of his appointment as Prime Minister. Attlee's main problem was "whether Bevin or Dalton should take the Exchequer or the Foreign Office" and he wrote later that he had "hesitated for some hours."[15] Dalton preferred the Foreign Office, Bevin the Treasury; both men had large followings within the party, and each could support his claim for the office of his choice by his particular political experience. Attlee was apparently inclined at first to follow the two men's preferences, and gave this impression in his conversation with them on the morning of his first day as Prime Minister.[16] In making his final decision later in the day, however, his personal judgment that Bevin was preferable at the Foreign Office was decisive. It is generally known that King George VI had ventured the suggestion to Attlee that he place his strongest man in the Foreign Office.[17] In the final decision, Attlee had to weigh the advice of the Monarch, his own judgment of personal capacities and rival-

[13] R. T. McKenzie, *op. cit.*, pp. 331–332. According to the biographer of Ernest Bevin, Laski suggested to Attlee "that if he were sent for by the King he ought to state that he was not in a position to do anything until the new Parliamentary Party had had a meeting to decide whom it wanted for its leader. To this remarkable suggestion Attlee, I am told, replied briefly and characteristically: 'Dear Laski, Thank you for your letter, contents of which have been noted'." Francis Williams, *Ernest Bevin, Portrait of a Great Englishman*, (London, 1952), p. 239.

[14] *The Times* (London), January 22, 1957, p. 8.

[15] *As It Happened*, p. 153.

[16] Williams, *op. cit.*, p. 237.

[17] *New Statesman and Nation*, Vol. 43 (February 16, 1952), p. 173; *New York Herald Tribune*, February 9, 1952, p. 2.

ries, and the wishes and influences of his chief lieutenants. Demonstrably, the decision was his own to make, and he undoubtedly made it without unusual allowance for his followers in the party, and with no trace of control by a party caucus. Again in 1950, Attlee made his Cabinet designations without formal advisers appointed by the party.

The Standing Orders of the Parliamentary Labour Party require the annual election of a Parliamentary Committee to share the executive functions with the Leader while the party is out of office. But as a corollary of the Prime Minister's authority in the appointment of his Cabinet, the influence of the Leader in the selection of his associates when the party is in Opposition also developed significantly under Attlee. The recognition that effective opposition, no less than government, requires concerted leadership, specialization, continuity and teamwork which a committee annually reconstituted by election might not provide, worked to the advantage of a group of popular ex-Cabinet Ministers and enabled them after 1951 to make the Parliamentary Committee their exclusive preserve. Between 1951 and 1957, only 25 persons served in the 15 places on the Committee which are filled from among party members in the House of Commons. The number would have been only 20 had there not occurred in 1955 the voluntary resignation of seven of the older leaders of the party, four of whom had had almost unbroken terms on the Committee during the previous twenty years. Only five changes in the Committee can be attributed to defeat in reelection to it during this period, less than one per year; and all but one of its members had formerly served in the Labour Government.[18] The Parliamentary Committee was therefore no back-benchers' group imposed upon the Leader, but a stable inner circle of ex-Ministers closely associated with the Leader whom they had served in Government before and might expect to serve again. It differed from the shadow cabinet Attlee might have freely appointed, not so much in those it included, but in those whom it left out. In an effort to increase the party's effectiveness in Opposition, directly prompted by its defeat in the election of 1955, even this difference was eliminated. In July 1955, Attlee, in an important innovation subsequently followed by Gaitskell, appointed a full shadow government including in it not only the members of the Parliamentary Committee but a larger number of individuals who had not been elected to it. To each member of this shadow government he assigned special responsibility for the development and presentation in parliamentary debate of a particular subject of Opposition policy. Of the 39 appointments

[18] Greenwood, Stokes and Summerskill were the only members of the Parliamentary Committee originally constituted in 1951, when the party first went into Opposition, to be subsequently defeated in bids for re-election to it—Greenwood and Stokes the following year, Stokes again in 1956 after returning to the Committee in 1955, and Summerskill in 1957. Bevan resigned from the Committee in 1954 but returned the following year. In 1955 occurred the collective departure from the Committee of Attlee, Morrison, Dalton, Shinwell, Ede, Hall and Whiteley, who were replaced by Greenwood and Stokes and five newcomers. Of the latter, one, Younger, was defeated in his bid for reelection in 1957, and one, Mitchison, was the only man serving on the Committee during this time who had not held a position in the Labour Government.

Attlee made, 25 were outside the Parliamentary Committee.[19] In so doing he not only added to the elected Committee but, even more important, he asserted a power of distinguishing among its members by the allocation of the specialists' responsibilities. The significance of this power was illustrated in 1956 when Gaitskell appointed Bevan as shadow Foreign Minister. The Leader of the Labour Party thus attained a measure of control over his associates in Opposition equal to that which he enjoyed in office.

The plans made in 1933 to limit the powers of the Leader failed also to place a Labour Prime Minister under majority rule in his own Cabinet, and under the control of the Parliamentary Party in his exercise of the dissolution power. McKenzie is satisfied, after discussing the matter with members of the Attlee Cabinets, that "there was no question that 'the Prime Minister should be subject to majority decisions of the Cabinet' " and that the Attlee Cabinets' "method of operation differed in no significant respect from the standard practice of previous Liberal and Conservative Cabinets."[20] Such testimony of Cabinet Members as is available confirms this impression. Attlee himself, in a thoughtful analysis of the Prime Ministership, recently asserted that "the most important of all the Prime Minister's functions" in the Cabinet "is to give a firm lead."[21] Morrison confirms that Attlee as Prime Minister did in fact function as a "good chairman, giving guidance, maintaining the relevance of discussion and leading it to a generally acceptable conclusion." He has also described the informality of Cabinet procedure, pointing out that the Cabinet never votes in order to reach a conclusion as this "would be regarded as a breach of Cabinet decorum." Morrison calls attention to the special position of the Prime Minister "because of the fact that he recommends to the Sovereign the appointment of Ministers and can ask for resignations," and furthermore because of his role in the Cabinet as chairman of important Cabinet committees, coordinating Minister, and general consultant.[22] Gordon-Walker, another member of the Labour Cabinet who has written of it, has remarked on the power of the Prime Minister over the determination of the Cabinet agenda and over the appointment of the increasingly important Cabinet committees and their chairmen, and he essentially substantiates Morrison's description of the Prime Minister's position as it was under Attlee.[23] From these accounts and from general analyses of the office, it becomes clear not only that Attlee as Prime Minister was not, but also why in the nature of the institution the Prime Minister could not be, formally subjected to the rule of the majority of his Cabinet colleagues. Jennings writes that "The Prime Minister's power in

[19] The list of appointments is given in *The Times* (London), July 15, 1955, p. 8; *Cf.* Jennings, *Parliament*, 2d ed., (Cambridge, 1957), p. 538.

[20] McKenzie, *op. cit.*, p. 323.

[21] *The Economist*, Vol. 183 (June 22, 1957), p. 1050; *The Times* (London), June 15, 1957, p. 4.

[22] Herbert Morrison, *Government and Parliament* (London, 1954), pp. 5, 36, 38.

[23] Patrick Gordon-Walker, "On Being a Cabinet Minister," *Encounter*, Vol. 6 (April, 1956), pp. 17–24.

office depends in part on his personality, in part on his personal prestige, and in part upon his party support. But his relations with his colleagues depend also upon the substantial powers that appertain to his office," and he concludes that the Prime Minister "is not merely *primus inter pares*. He is not even, as Harcourt said, *inter stellas luna minores*. He is, rather, a sun around which planets revolve."[24]

Among the personal powers of the Prime Minister, the greatest are those of resigning his office and of recommending to the Sovereign a dissolution of Parliament. Churchill singles out the former as "almost the only constitutional privilege which a British Prime Minister possesses" and he adds that "since it involves the end of the Government it is a fairly solid foundation of power."[25] Jennings states that since World War I "no dissolution . . . has been brought before the Cabinet," let alone before the entire party group in Parliament as the Labour Party in its 1933 resolution sought to require.[26] Attlee's own account of his decision to advise dissolution in 1950 and 1951, as well as the other testimony, seems to establish that the power was used at that time in accordance with established constitutional custom;[27] certainly the Parliamentary Labour Party was not consulted nor was there any criticism of Attlee's failure to do so. Clearly the power of recommending dissolution could not be denied to a Prime Minister without depriving his party of the supreme tactical advantage which it affords, if it can be exercised without warning.

The attempts of the Labour Party to reduce the prerogatives of its Leader ultimately were unsuccessful in every case because they ran counter to constitutional arrangements and the habits and attitudes conditioned thereby. In making the attempt, the party did not sufficiently appreciate that under the British political system a party Leader is a sometime Prime Minister, that his position therefore is defined in considerable part by the Constitution and that it resists to that extent modification by a party. The party could not have successfully reduced the prerogatives of its Leader without at the very least denying to him, and consequently to itself, the advantages of power and prestige which under the British Constitution the Prime Minister enjoys. Attlee eventually perceived very well that the party had no alternative to strong leadership when he wrote that if the party's Leader "cannot be trusted to exercise . . . power in the best interests of the nation and the Party without fear, favor or affection, he is not fit to be Prime Minister."[28] It was Attlee's distinctive contribution to the Labour Party that he demonstrated, by his own skillful lead-

[24] *Cabinet Government*, pp. 187 and 183 respectively. See also B. E. Carter, *The Office of Prime Minister* (London, 1956), Ch. 6.

[25] *Op. cit.*, p. 595.

[26] *Cabinet Government*, p. 389.

As It Happened, pp. 193, 207. See also H. G. Nicholas, *The British General Election of 1950* (London, 1951), pp. 75–77;

[27] D. E. Butler, *The British General Election of 1951* (London, 1952), p. 84; McKenzie, *op. cit.*, p. 323.

[28] *As It Happened*, p. 156.

ership, that the constitutional powers of the Prime Minister were not necessarily a threat to his party but could in fact be exercised in its service.

II. THE PARLIAMENTARY LABOUR PARTY

Acquiescence in Attlee's leadership required the party to disabuse itself of the conception, developed in the nineteen-thirties, that its parliamentary group could be, as Attlee himself wrote in 1937, "governed on democratic principles."[29] The friction between Ministers and back-benchers, so acute under the MacDonald governments, prompted the party in 1945 to bring "the whole organization of the Parliamentary Party . . . under review."[30] The result was the establishment of a series of area and subject groups in the Parliamentary Party in order to encourage and regularize the participation of back-benchers in the consideration of governmental problems; the election of a small Liaison Committee to improve contact between the Government and its followers; and the suspension of the disciplinary Standing Orders. These arrangements, far from reducing the authority of the leadership over the party, served instead to make that authority acceptable.

The area and subject groups were by no means policy-making committees, but rather discussion groups serving as forums for airing the views of back-benchers, and as instruments of communication by which Ministers could "educate" their followers. To some extent the Government was actually able, openly or indirectly, to choose the back-bench chairmen of these groups. Morrison wrote that the groups were "valuable in clarifying the minds of the Members taking an interest in their work" but he added that it did "not follow that either the Parliamentary Committee or the party meeting will accept the view of a Group."[31]

The Parliamentary Party meetings, arranged and chaired by the Liaison Committee, were dominated by the Government while the party was in power. The hour-long fortnightly sessions were frequently attended by the Ministers and served more as a minimum means of contact between them and the party group than as a means of subjecting the leadership to back-bench control. Government leaders took these opportunities to explain policy and were successfully able to deter criticism, particularly in such sensitive fields as defence and foreign policy, by requests for "general confidence." The corollary of the collective responsibility of the Cabinet was that the leadership faced the Parliamentary Party with a united front; the rule of Cabinet secrecy made it impossible for the leaders to consult fully with their parliamentary followers even if they had wanted to; and the principle that the Cabinet is responsible to Parliament in fact forbade any intimately confidential relationship between Government and party. Morrison concluded that

> It would be unconstitutional, injurious to good government, and likely to lead to ill-thought-out decisions being foisted upon the Government to admit the right of the party

[29] *The Labour Party in Perspective*, p. 87.
[30] *Report*, 1946, p. 56.
[31] *Op. cit.*, p. 126.

(meeting) to instruct Ministers or to receive premature details in advance of Cabinet decisions.

. . . . . .

Governments have to govern and they are responsible to the House of Commons as a whole.[32]

In the relatively rare instances when an issue was forced to a vote in the parliamentary meeting, the Government could count on the support of over seventy members of the Ministry. The power of patronage undoubtedly had effect well beyond the members of the Ministry, for the Prime Minister controls appointments not only to the Government but to national and international conference delegations, as well as the award of a multitude of honors, and he passes on the Parliamentary Private Secretaries who are apprentices to higher officials. In the broadest sense the leadership could rely on the support of all those who hoped for rewards; a back-bencher was quoted as saying that "the authority of the Whips lies not in their power of imposing public penalties but in their private condemnations. They hold the political careers of Members in their hands."[33]

The suspension of the disciplinary Standing Orders between 1945 and 1952 did not mean a suspension of discipline. On the contrary, it represented the substitution of the personal discipline which the leadership could exercise by virtue of its position in Government for the discipline of the party meeting to which the leadership resorted in Opposition. Secure after the election of 1945 by its majority of 146 over all other parties, the leadership tolerated a wide variety of dissent from the back-benches, which Burns has described in detail.[34] Yet such influence as the Parliamentary Party was able to exert upon the Ministers cannot be interpreted as the result of liberalized rules of discipline. Even without Standing Orders the leadership resorted to the traditional sanctions of withdrawing the Whip or dismissal from office when dissent went too far. In the known instances when the Government yielded to back-bench pressure, this was not the result of a bargain between forces of equal strength, but rather a concession made by the Government in the endeavor to preserve party unity and morale at times, if not in places, of its choosing. Back-bench dissent was a luxury which the party permitted itself while its majority was comfortable. When that majority was virtually eliminated after the election of 1950, the margin for such deviation was eliminated by the close possibility that it would bring a Conservative Government to power. Even in the major Bevanite defection of 1951, that group pledged "to do nothing that may . . . weaken the position of the Government in the House of Commons, or handicap the Prime Minister's exercise of his initiative in determining the date of the General Election."[35] Under these circumstances dissent was disarmed, illustrating a

[32] *Ibid.*, pp. 136, 123 respectively.

[33] Seymour Cocks, *Tribune* (London), June 13, 1947, p. 12, quoted by James MacGregor Burns, "The Parliamentary Labour Party in Great Britain," this REVIEW, Vol. 44 (December, 1950), p. 866.

[34] *Ibid.*, pp. 863–866.

[35] *Report*, 1951, p. 5.

condition which applied throughout the period from 1945 to 1951: that while Labour was in power, the interests of the Parliamentary Labour Party were so completely tied to the success of the Labour Government that the Parliamentary Party was reduced to being the instrument of its leadership.

This situation changed immediately after the election defeat of 1951. In Opposition the sanction which the leadership held over the party was considerably weaker than it had been in Government, and in consequence Parliamentary Party discipline weakened perceptibly. The process was exacerbated by the advanced age of the members of the leading rroup, which produced the anticipation of an unusual number of changes in the leadership, and by personal rivalries among the contenders for the succession. Within five months of its return to Opposition the party reimposed a set of Standing Orders so as to avail itself of the discipline of majority rule, *faute de mieux*. The party explained at that time that "the disregarding of decisions arrived at by the Parliamentary Party . . . makes it impossible for the Parliamentary Party to discharge its duties as an effective Opposition."[36] But the sanction of the Standing Orders was available to the leadership only as it could command a majority in the party, and control of such a majority therefore became more important in Opposition than it had been in Government, at the same time as it became more difficult to obtain.

The problems of the leadership in preserving the unity of the Parliamentary Party on the particularly divisive issue of German rearmament demonstrated both the nature and the limits of its powers in Opposition. The emotional overtone of the issue made it a uniquely effective rallying point for dissent within the party, and in Bevan the dissenting group had an influential parliamentarian to lead it. To prevail over this formidable opposition, the parliamentary leadership resorted to four sources of power: the loyalty of members of the Parliamentary Party who had received or hoped for the benefits of office; the right to formulate the issue before the party Conference where habitual support from the largest trade unions was forthcoming in Conference voting; the right to formulate a position to the Parliamentary Party; and the threat and exercise of the power of expulsion. Loyalty was peculiarly involved in the vote in the Parliamentary Party in February, 1954, on the position to be taken toward the European Defense Community treaty. The margin of victory for the policy of the leadership was in this case due to the support of Labour peers most of whom had been created under the Attlee Government and whom Attlee had rallied for the occasion.[37] Influence over the decisions of the party Conference enabled the leadership in October of that year to obtain very narrow support for its views from the extra-parliamentary organization in a situation where such support was important as it only is when there exists a division within the Parliamentary Party.[38] In the Parliamentary Party, the leadership was never-

[36] *The Times* (London), March 12, 1952, p. 6.

[37] *The Economist*, Vol. 170 (February 27, 1954), p. 595; *The Times* (London), February 24, 1954, p. 8.

[38] *Report*, 1954, pp. 92–108.

theless compelled for the sake of unity to recommend the party's abstention in the decisive House of Commons vote on the Paris Agreement on German rearmament, although the party leaders spoke in favor of the Agreement in the parliamentary debate. In spite of this compromise, and the announced intention to enforce it, seven members of the Parliamentary Party refused to abstain in the vote, whereupon the ultimate discipline of withdrawing the Whip was applied to them. However, the controversial nature of the issue within the party, the indication of constituency support for the dissidents, and the advent of a general election and a consequent desire for party harmony was responsible for their readmission within three months, illustrating the limitations of this form of discipline.[39]

So in this case, as in most others, the Parliamentary Party tended to endorse with its majority the policy proposed by its leaders and to impose the discipline of the majority upon the minority with a measure of success. The leaders in turn were forced to formulate their policy within the limit of what the party meeting could be made to support, and when there was division in the leadership, the decision of the party Conference obtained a rare importance. Faced in its shadow cabinet by a past and potential Labour Government, with past and potential governmental power and the electoral prestige upon which party fortunes depend at all times, the Parliamentary Party in Opposition was fundamentally committed to support its leadership and to conduct itself in a manner best calculated to win it the next election. This precluded open and total revolt by a section of the group against its leaders, and on the other hand drastic and extensive exercise of the power of expulsion by the leaders against a faction. But there were nevertheless differences on issues and personalities within the party which no single authority in it was capable of reconciling, and there occurred on that account individual instances of dissidence designed to influence party policy, as well as threats and occasional instances of expulsion to maintain discipline, harrassing the party and subjecting it to a period of internal crisis which stood in sharp contrast to its situation while the Labour Government was in power. The authority of the leadership in the Parliamentary Party was however restored with the passage of the German rearmament issue, the demonstration in the election of 1955 that disunity was hurting the party electorally, and the settlement of the pending succession to the leadership.

Despite the formal requirement that the Leader be annually elected by the Parliamentary Party while the party is out of office, no Labour Leader since 1922 has had to face a contest for re-election. Attlee's unprecedented and unchallenged twenty-year period as Leader demonstrated the reality of the

[39] See L. P. Epstein, "Cohesion of British Parliamentary Parties," this REVIEW, Vol. 50 (June, 1956), pp. 369–375. No attempt was made to expel the dissidents from the party. Withdrawal of the Whip, while it lasted, only meant that they were excluded from the meetings of the Parliamentary Party, and as a symbol of their ostracism, that they were denied "The Whip," the weekly document informing party members of the business to come before the House and indicating the times when the party requires their presence.

Leader's tenure. The selection of Gaitskell as the new Leader, therefore, upoy Attlee's resignation in 1955, settled the divisive succession issue for presumabln a generation, with a new Leader around whose moderate views the party in Opposition could be reunited. The election itself illustrated how narrow in effect the limits are within which the Parliamentary Party can exercise its discretion. It is important to note also that the extra-parliamentary organization has never claimed a voice in the selection of the Leader. The defeat of Bevan's candidacy indicated that support of the party organization in the constituencies, which Bevan unquestionably enjoyed, was not sufficient to win the leadership. The factors in Gaitskell's success were his parliamentary skill, ministerial experience, and the prospect that he could provide the party with effective and continuous leadership before the electorate. Important trade union support came to him as a consequence of these factors. Since none of his competitors possessed all of these qualifications, Gaitskell's election was in fact a foregone conclusion. That the party organization could not command the selection of the Leader, but that the Parliamentary Party, judging by the relatively narrow standards of parliamentary and electoral success, did, is an illustration of the extent to which the requirements of the system of government rather than the logic of the party structure, define the position of the party Leader.

III. THE NATIONAL EXECUTIVE COMMITTEE

Since the Labour Party had been formed outside of Parliament, there had always been the temptation to regard its elected representatives in Parliament as its agents, subject to binding instructions. But as early as 1907, the prestige of the parliamentary group was such that the party Conference gave recognition to its autonomous position.[40] The following year an attempt to limit the right of Members of Parliament to serve on the party's Executive Committee was defeated, in important contrast to the decision which continental Socialist parties reached on this issue. The Constitution of the Labour Party, adopted in 1918 after four war years during which the Parliamentary Labour Party had been reduced to ineffectiveness by the divisive issue of pacifism, appears to give a controlling position in the party organization to the National Executive Committee. This Constitution, which still governs the party, made the Executive responsible for the party's work at all levels outside of Parliament, and obliged it to give leadership to the annual Conference, and to represent the party Conference to the parliamentary group. But its provisions did not prevent the strengthening of the autonomy and authority of the parliamentary group during the nineteen-twenties as the Parliamentary Party became first the official Opposition in Parliament, and then a governing party. With the virtual eclipse of the parliamentary group in 1931, the party organization outside Parliament again loomed large. It was against this background that Attlee wrote in 1937 that "the Labour Party Conference lays down the policy of the

[40] *Report*, 1907, p. 48, quoted in McKenzie, *op. cit.*, p. 393.

Party, and issues instructions which must be carried out by . . . its representatives in Parliament."[41] Such statements together with the Constitution of 1918 and the resolutions of the 1933 party Conference provided the basis for the "Laski incident" in the 1945 campaign.

The freedom of the parliamentary leadership from extra-parliamentary control had therefore developed historically as a function of the prestige of the Parliamentary Labour Party, and the election of 1945 established that prestige solidly. The size of the parliamentary group, the presence in it of all of the leading personalities in the party, and the prestige of the first majority Labour Government established conclusively during the decade after 1945 the independence of the Parliamentary Party. The party Handbook in 1951 for the first time gave formal recognition to this fact, stating that

> The Parliamentary Labour Party is an autonomous body, with its own Standing Orders, and electing its own leaders.
>
> . . . . . .
>
> . . . The conduct of Governmental and Parliamentary proceedings, including all measures necessary to carry out the Party's programme, are entirely within the discretion of the responsible Ministers and the Parliamentary Party.
>
> Provision is made in the Party Constitution for periodical consultation between the Parliamentary Labour Party and the National Executive Committee, but the latter has no authority over the actions in Parliament of Labour Ministers or Labour Members.[42]

Despite the controlling position given the National Executive Committee by the party Constitution, the Executive in practice, far from being an authority over the parliamentary leaders, has become on the contrary their instrument for leading the party outside Parliament. The Parliamentary leaders occupy important places on the Executive Committee itself. The two leading parliamentarians, the Leader and Deputy Leader of the party, serve *ex-officio* and are thus the only members of the N.E.C. who are exempt from having to test their popularity annually with the membership. With them since 1935 the Executive has had a majority of parliamentarians, the consequence of the prestige and fame of Members of Parliament which makes them successful candidates for the Executive Committee at party Conferences, and this parliamentary majority tended until 1951 to share a common point of view. Furthermore, among the Members of Parliament on the Executive during the tenure of the Labour Government, at least half were Ministers, subject even more to the influence of the Leader than the other M.P.'s. Laski, whose pronouncements as Executive chairman had set off the celebrated charge by Churchill during the 1945 campaign that a Labour Government would be subject to the control of a committee outside of Parliament, four years later refused to stand for the Executive for the first time in eleven years because of his realization that there was no place on it for someone who held views contrary to those of the Government. He wrote despairingly that on the Executive

[41] *The Labour Party in Perspective*, p. 78.

[42] *Handbook: Facts and Figures for Socialists* (London, 1951), pp. 301–302.

"there is a majority with a vested interest in keeping the Government out of trouble."[43] Awareness of ministerial domination of the Executive also came to other dissidents within the party. When Bevan resigned from the Labour Government in April, 1951, in opposition to the Budget, the National Executive Committee promptly came to the support of the Government with a public statement. In his rejoinder, Bevan declared that the National Executive "should not be called on automatically to endorse Government policies" and that "a serious situation would arise if it came to be thought that the N.E.C. was merely an extension of the machinery of the Government."[44]

As left-wing dissatisfaction with the Labour Government developed within the party, the section of the Executive elected by the Constituency Parties was increasingly composed of critics of the Government, and this process was accelerated toward the end of the Government's term and the beginning of the period of Opposition. Whereas in 1945–46 six out of the seven members of this section were Government leaders, by 1952 six out of seven were followers of Bevan who had either resigned from the Government with him or had never been Ministers. While the M.P.'s retained a majority on the Executive, this majority consisted of an increasing number of critics of the parliamentary leadership as the party passed into Opposition. However, resistance to the parliamentary leadership by what still amounted to only a minority of the entire Executive was made difficult by the application of the principle of collective responsibility to Executive decisions. In 1954 an official statement by the N.E.C. declared that "decisions arrived at by a majority vote are binding upon the National Executive Committee."[45] The need for collective leadership in Government implied in Opposition the need for collective leadership to develop a unified party program not only within Parliament but also in the organization outside.

The parliamentary leadership was able to maintain the support of the majority of the Executive even after 1951 because of the loyalty of most of the members of the twelve-man Trade Union Section of the N.E.C. Since 1908, party regulations have prevented overlapping membership between the General Council of the Trades Union Congress and the party's National Executive Committee, expressing the desire of both organizations to maintain a certain independence of each other. As a result, the unions have been represented on the Executive by leaders of the second rank, speaking for a large but politically passive union membership, and generally prepared to follow the parliamentary leadership.[46] The experience of a majority Labour Government reemphasized to the unions the danger of too close an association between themselves and the party, particularly as the result of the remarkable case of wages policy in which the Labour Government was able to enlist the trade unions in its service

[43] Kingsley Martin, *op. cit.*, pp. 180, 203.

[44] *Report*, 1951, p. 5.

[45] *Report*, 1954, p. 5.

[46] *The Economist*, Vol. 172 (September 4, 1954), pp. 713–714. Joseph Goldstein, *The Government of British Trade Unions* (London, 1952), Ch. 9.

to support for two years a policy of wage restraint. Because of their identification with the party and past association with its fortunes, the union leaders were placed in the precarious position of having to persuade their own followers to defer their immediate economic interests on behalf of wider, and seemingly more nebulous, political goals.[47] The situation demonstrated that the special interests of the unions and the broad economic responsibilities of a Labour Government would not always coincide and that in these cases, "it is (the) independence of the unions," as one authority observed, "in spite of the fact that they are an integral part of the Labour Party, which in the last resort really determines their power and influence on a Labour Government."[48] To preserve this independence, the unions exhibited a continuing reluctance to take responsibility for the formulation of Labour Party policy, deferring to the parliamentary leadership which used the numerical superiority of the unions as an instrument of control over the party organization. Under these circumstances, there were occasional indications that the unions' ties to the Labour Party were weakening, as it became apparent that the links might derive less from self-interest than from historical accident—an idea, of course, that Conservatives would be happy to encourage. In 1953 the unions' affiliation to the party was subject to personal criticism by the President of the Trades Union Congress.[49] In the meantime, however, the parliamentary leadership ordinarily found among the twelve members of the Trade Unions' Section of the Executive, and the five members of the Women's Section who are elected by the entire Conference where the trade union vote is dominant, a safe majority supporting its views.

With such strong influence within the Executive, the parliamentary leaders allowed the function of representing the mass organization to the Parliamentary Party to be ignored. In the drafting of election programmes, in which the Parliamentary Party and the Executive are directed to collaborate, the work since 1945 in every case was initiated by a Policy and Publicity Sub-Committee of the Executive, two-thirds of it composed of leading members of the Parliamentary Labour Party.[50] This committee furthermore coopted members or ex-members of the Labour Government because, as Morrison said,

> it would be most unwise to come to any conclusions without consulting (those) who would clearly have acquired a great deal of expert knowledge since the election of 1945. It would also be unfair to them since they had to carry the burden and would probably have to carry the burden if Labour was successful again.[51]

The Executive issued in its name only one major policy statement between

[47] See J. T. McKelvey, "Trade Union Wage Policy in Postwar Britain," *Industrial and Labor Relations Review*, Vol. 6 (October, 1952), pp. 3–19.

[48] B. C. Roberts, "Trade Unions and Party Politics," *Cambridge Journal*, Vol. 6 (April, 1953), p. 395.

[49] *Report*, 1953, pp. 165–166; 194–195.

[50] *The Constitution and Standing Orders of the Labour Party*, Clause V, Section 2; for the composition of these committees, see *Reports:* 1949, p. 27; 1950, p. 29; 1951, p. 28; 1955, p. 29.

[51] *The Times* (London), February 28, 1949, p. 4.

1945 and 1951 and its publication coincided embarrassingly with a debate on the same subject in Parliament, forcing the Prime Minister to reassure the House of Commons of the separation between Government and Party, and assuring the Executive's return to silence.[52] Laski's personal policy statements as chairman of the Executive were stopped by a brusque letter from Attlee stating that "the constant flow of speeches from and interviews with you are embarrassing" and declaring that the "task (of the Foreign Minister) is quite sufficiently difficult without the embarrassment of irresponsible statements of the kind which you are making."[53] Although after 1951, in view of the divisions within the Parliamentary Party, the party Conference and the Executive had somewhat more opportunity to influence policy than they had while the party had been in power, it was natural that, at least as long as Parliament was in session, the leaders of the parliamentary group, obliged to speak for the party from day to day, would take the initiative in the development of the party's policy from the Opposition benches as they had from the Treasury Bench.[54]

In the exercise of its disciplinary power of expulsion, the Executive during this period acted largely as an agent of the Parliamentary Party, since most of the party's disciplinary problems arose there. The constitutional provision that the parliamentary group and the Executive confer from time to time was a formality observed only at a ceremonial occasion at the beginning of each session of Parliament.[55] As an index of the atrophy of its constitutional function, the Executive in the decade between 1945 and 1955 met less than one-half as frequently as it had in the thirties. It was also an indication of the importance the party Leader attached to Executive meetings, that Attlee failed to attend over one-third of its sessions while the party was in Government. The Executive, as a representative of the mass organization, was in fact kept at arm's length by a Government acutely conscious of the "difference between the Party's work and the Government's work" which Morrison frequently elaborated:

> The Party must live its life, observing our principles and our faith, preparing itself for the next election, educating the people. The Government has to govern in the principles and faith of the Labour Party, but it also has to govern in accordance with the doctrines and principles of parliamentary democracy, which certainly affirm that the minority has a right to be heard and to be considered as well as the majority.[56]

As it happened, *The Times* had prophesied wisely in its editorial on the Laski controversy in 1945 when it wrote concerning the position of the parliamentary

[52] *European Unity*, a Statement by the National Executive Committee of the British Labour Party (May, 1950). For Attlee's statement, see 476 *H.C. Deb.* 38 (June 13, 1950); *cf. The Times* (London), June 14, 1950, p. 6, and June 22, 1950, p. 6.

[53] Quoted in Kingsley Martin, *op. cit.*, pp. 172–173.

[54] Saul Rose, "Policy Decision in Opposition," *Political Studies*, Vol. 4 (June, 1956), pp. 128–138; and the "Rejoinder" by R. T. McKenzie, *ibid.*, Vol. 5 (June, 1957), pp. 176–182.

[55] Ivor Bulmer-Thomas, *The Party System in Great Britain* (London, 1953), p. 194; Harold Laski, *Reflections on the Constitution* (Manchester, 1951), p. 78.

[56] Herbert Morrison, *The Peaceful Revolution* (London, 1949), p. 60.

leadership *vis-à-vis* the Executive that "subordination to Parliament is an immense source of strength as against any group that is not subject to it."[57]

IV. THE RANK AND FILE

Through its control of the Executive, the parliamentary leadership is able to exploit the position of that body as the organ of leadership over the party membership. In a four-and-a-half-day annual Conference attended by about 1500 delegates, the Executive, working together with an Arrangements Committee, holds decisive organizational controls. It is its task to arrange a manageable agenda for the Conference. This requires the reduction by over ninety percent of the three or four hundred resolutions submitted in an average year by the affiliated organizations. Large numbers of resolutions on similar subjects are withdrawn in favor of an agreed compromise or composite motion. Monstrous composites may result, such as the resolution in 1950 on "Wages, Prices and Profits" which was the outcome of 48 separate resolutions, and the resolution in 1952 on the "New Programme" which the mover admitted "contains practically everything except the date of the next General Election."[58] Even after this drastic weeding of motions, an overwhelming majority of those remaining are never reached within the strictly limited duration of the Conference and these are then dealt with in private by the National Executive Committee, Conference efforts to publicize their fate having failed.[59] Such resolutions as are considered are debated under rules highly favorable to the Executive. Movers of resolutions are allowed ten minutes to present them, subsequent speakers have five minutes, and even these allotments may be reduced in the final days of the session. In contrast, "speakers appointed by the National Executive Committee to open and close main discussions" operate under no time limit at all, and they alone may depart from the agenda.[60] These methods of organizing the Conference, by which the Executive and the Arrangements Committee, which is always controlled by the trade unions, are the only committees constituted, centralize the control of proceedings in the hands of the Executive.

This, however, does not mean that the opinion of the delegates can be altogether ignored or that the task of controlling the Conference does not require constant management. To this job the Executive brings considerable resources. In any vote the Executive can normally count on the support of a majority of the trade union delegates concentrated in a few large blocs, and so enters most controversies backed by over forty percent of the total Conference vote. In 1955 it was demonstrated that this trade union support was capable of being expanded when necessary. Having nearly suffered defeat on the important policy issue of German rearmament at the 1954 Conference, and seeking new funds as well, the parliamentary leaders successfully appealed to cer-

[57] July 2, 1945, p. 5.
[58] *Report*, 1952, p. 91.
[59] *Report*, 1948, pp. 111–112.
[60] *Report*, 1953, p. 85; *ibid.*, Standing Order 2, para. 3 and 4, p. 221.

tain of their trade union supporters to increase their affiliations to the party. Since the largest unions usually pay affiliation fees to the party on only a portion of the members who subscribe to the political levy within their unions, they are in a position of holding a reserve strength of numbers and money for political purposes. In response to the party leaders' request in 1955, the two largest and most loyal "general unions" increased their affiliation, and consequently their voting strength within the party, by 250,000 and 165,000 members respectively, giving the party new funds and the Executive additional voting support.[61]

Nevertheless, if its view is to prevail in the Conference, the Executive needs the vote of more than a majority of the unions. Therefore the effort to win the support of some of the trade unions which are not its unquestioned supporters, or the widely dispersed votes of some of the constituency parties, is of decisive importance for the Executive. Its demonstrable success in this respect is due to several kinds of influence it holds over the Conference. While the party was in power, the Executive frequently called upon leading Ministers to present its views to the Conference, and declared the party's confidence in its own Government to be at stake in important issues. In Opposition, the Executive attempted to connect its policies with the electoral success of the party. Increasingly since 1945, Ministers and ex-Ministers, when acting as Executive spokesmen, claimed a special validity for their views on the basis of governmental experience. While all the great leaders of the party were united with the Executive's position, opposition within the Conference could not find effective leadership of its own. Bevan, who in some instances after 1951 spoke for the rank and file against the Executive, had also been capable of stating most bluntly to the Conference its subordinate position whenever he spoke from the platform as an Executive member:

> A great Conference like this (he declared in 1947) can decide upon matters of principle but when it tries to decide upon the application of that principle in any particular it really is not competent to do it.[62]

In fact, this distinction between principles and their application states the role of the Conference very well. As a forum for a discussion of the party's basic philosophy, it has been capable of conducting some effective debates. As a "parliament of the Movement" proposing detailed policies, it has been almost wholly unsuccessful. When the consideration of principles was important, particularly when the party was formulating a new program in Opposition, there was no doubt that the Executive had to be attentive to the mood of the Conference. But when the main issues were those of specific Government policy, the Executive representing the view of the parliamentary leadership was never successfully challenged. In only nine cases while the party was in

[61] *The Economist*, Vol. 174 (March 12, 1955), p. 883; Bernard Hennessy, "Trade Unions and the British Labour Party," this REVIEW, Vol. 49 (December, 1955), pp. 1055–1056. *Cf. Reports:* 1954, p. 234 *ff.* and 1955, p. 277 *ff.*

[62] *Report*, 1947, p. 198.

power and in only two cases since then was the Executive's position specifically overruled by the Conference. None of these had any consequence for the policy of the party, either because the issue was vague or trivial, or because the Conference's resolution was blandly ignored.[63]

The continuing domination of the parliamentary leadership, acting through the Executive, over the Conference, contributed to frustration and disorganization within the constituency parties upon which the Labour Party had always depended for its electoral organization. The election machinery of the party had not been reviewed since the adoption of the Constitution of 1918, perhaps, as McKenzie points out, because the Labour Party in the past considered electoral defeat to be normal and not necessarily a reason for reorganization.[64] But the defeat of 1955, the first occasion since Palmerston when the Opposition party had failed to gain on the party in power, and coming after the party had once tasted full victory, finally brought about a systematic re-examination of the party's electoral organization. Three weeks after the election results were known, the National Executive Committee appointed a Sub-Committee on Party Organization under the chairmanship of Harold Wilson. Its report to the 1955 Party Conference observed a "progressive deterioration of the Party's organization, especially at constituency level."[65] The Labour Party had traditionally compensated for its small professional staff by the enthusiasm of its membership in the constituency parties. The Wilson Report made it clear that the volunteer work within the party was now desperately in need of augmentation. It recommended a sharp increase in the number of trained and paid organizers, supervised by a standing sub-committee of the Executive, chaired presumably by a leading party politician, and financed by higher affiliation fees from the constituency parties to be calculated not on the party membership within the constituency but rather on the party vote. Steps to put these recommendations into effect were immediately taken. £50,000 was set aside, mostly for the support of full-time agents in the constituencies, and the constituency and trade union affiliation fees were increased by fifty percent.[66]

The local organization of the Labour Party, originally developed to fight municipal rather than parliamentary elections and consisting of party zealots more interested in discussing policy and in making converts than in the work of organization, was thus condemned. The consequences of the development of

[63] *Ibid.*, 1946, pp. 128–30, 182–84, 191–95; 1947, pp. 125–27, 157–59; 1948, pp. 150–52, 212–214; 1950, pp. 154–57; 1952, pp. 154–58, 178–79.

[64] *Op. cit.*, p. 484.

[65] *Interim Report of the Sub-Committee on Party Organisation*, in *Report*, 1955, pp. 63–92, at p. 64. For commentary on the *Interim Report*, see H. J. Hanham, "The Local Organization of the British Labour Party," *Western Political Quarterly*, Vol. 9, (June, 1956), pp. 376–388; R. T. McKenzie, "The Wilson Report and the Future of the Labour Party Organisation," *Political Studies*, Vol. 4 (February, 1956), pp. 93–97. For an interesting case study of the problems of a local organization, see Jean Blondel, "The Conservative Association and the Labour Party in Reading," *Political Studies*, Vol. VI (June, 1958), pp. 110–118.

[66] *Report*, 1956, pp. 9–10, 171.

a modern, professional party machine for the distribution of power within the party are likely to be great. The membership of the party, whose chief claim to consideration in the past has been that it does the party's work, is bound to lose its distinctive function and correspondingly such of its influence within the party as it has retained. The beneficiaries of this change will almost certainly be the parliamentary leaders, who will find in the new professionally organized constituency parties not special interests to be contended with but supporters for their own pragmatic views; not a cadre of militants, but a group naturally sharing with the parliamentary leadership a concern for the party's electoral position. Out of compelling electoral considerations, democracy within the party stands to lose its reality still further.

V. CONCLUSION

That intra-party democracy was not a necessary condition of inter-democracy but was instead, in many respects, incompatible with it had become increasingly apparent as the Labour Party attained stature and responsibility within the British parliamentary system. Intra-party democracy, the ideal of the mass party, demanded the control of leaders by a relatively small and often indifferent party membership not representative of the whole electorate, reliance upon such rudimentary institutions as the party Conference and Executive instead of Parliament for the process of deliberation and the attainment of consensus, and dependence for rules and limitations upon party statutes rather than on the British Constitution. In order to achieve success within the British parliamentary system, the party needed to be responsive to the entire electorate, to work within the normal parliamentary process, and to govern the nation effectively when the opportunity arose. Unable to serve two masters, the elected leaders of the party, without at first abandoning the myth of their responsibility to the party membership, in fact made every effort to escape from party control, and in these efforts they found their powers and obligations as Cabinet Ministers of great importance. For this reason the position of the Labour Party after 1945 as a fully empowered governing party was decisive in freeing the party's parliamentary leadership from the narrow partisan control which the mass organization had attempted to impose in response to the events of 1931. The opportunity to govern gave the party's parliamentary leaders the authority to reassert themselves over the party, while simultaneously subjecting the party in an increased measure to parliamentary and electoral influences.

The divergence between the formal and the real structure of power in the Labour Party is the consequence of the transformation of the party from its status as a movement in the wilderness to its position as a governing party, a process not confined to the years since 1945 but decisively advanced during this period after a decade's critical lapse. This transformation occurred under the influence of the operation of the British constitutional system, of the power it affords the leadership of the governing party, and of the parliamentary and electoral responsibilities it imposes. It represents therefore an important example of the influence which a constitution may have on "political reality."

COALITION GOVERNMENT: THE CASE OF THE SECOND AUSTRIAN REPUBLIC*

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The Second Republic of Austria is now well into its thirteenth year of national existence. The First Republic, thirteen years after its creation, showed all the signs of political disillusionment and impending dissolution. The Second Republic, in happy contrast, presents to the foreign observer a picture of political stability, economic prosperity, and sound foreign relations almost unequalled in this part of Europe. Much of the credit for this unusual state of affairs must be attributed to the two major political parties, the *Oesterreichische Volkspartei* (OeVP) and the *Sozialistische Partei Oesterreichs* (SPOe) which, uninterruptedly since 1945, have collaborated in the political resuscitation of the state that was once characterized as having "a strong tendency toward nonexistence."[1] Collaboration has taken the form of a coalition government which, from its inception as a temporary expedient, has become permanent and is now generally considered to be the *sine qua non* of Austrain politics. By tacit agreement the question of continuing the coalition has been removed from the sphere of political controversy. The evolution and nature of that coalition is the subject of this essay. In the language of economic organization the coalition is a cartel formed to mitigate party competition.

I. INTRODUCTION

It is a truism that parties are instruments for the reflection of the public will. But types of reflection differ widely and seem to depend importantly on the degree of stratification prevailing in a given country. After World War I continental Europe particularly witnessed the entrenchment of class-oriented parties, the result of sharply stratified societies; parties of that sort displayed a much greater cohesiveness than their more loosely organized counterparts in countries that still maintained great flexibility in their social spectrum. Yet for a variety of reasons before, during and immediately after World War II a social levelling occurred there in the wake of resurgent industrialization, and with a consequent relaxation of purely class-oriented political discipline. In the postwar era of expansion many of the slogans, ideas and organizational tools suitable to an age of scarcity lost their attraction. But the much-vaunted trend toward a "two-party system" can hardly be said to have taken the direction that was once forecast for it under these conditions. Doubts about the compatibility of party and democracy can be sensed almost everywhere—both in popular opinion and in academic circles—despite the fact that democratic procedures are being scrupulously observed.

Such attitudes are particularly outspoken in central European countries,

* Material for this article was collected with the help of a U. S. Fulbright Research Grant at the University of Vienna during 1956–57.

[1] Lorenz, R., *Der Staat wider Willen* (Vienna, 1938).

where popular government has been traditionally embarrassed in its efforts to steer a safe course between the extremes of oligarchical and plebiscitary rule. There the role of parties in the making of public decisions is under suspicion because of their strength and consequent ability to compete with the "neutral" power of the state. Democratic consensus there is identified more often than not with the absence of any party, rather than with the shaping of agreements out of the variety of popular and partisan opinions. The Second Republic of Austria is a fair example of this sort of attitude—the more so that its independent political existence is comparatively brief and its experience with democratic methods limited. The reluctance and even fear to see one party in control of the government has been so persistent in Austria because republican experience was mainly one of political struggle that involved the rationality of representative institutions in deadly combat with the emotional appeal exercised by plebiscitary forces.

It is hardly exaggeration to consider the First Republic a prime example of Braunias' Parteienstaat.[2] In Austria, the constructive principles of representation and integration had indeed vanished. There was no discernible desire to establish a community of people, or even to create a unity of purpose. Since all voters had been politically organized, elections no longer served the purpose of presenting alternative policies to the electorate; the functioning of an election depends on the recognition of the majority principle, and no party then wanted to be bound by the chance of electoral arithmetic. The almost military discipline imposed on parliamentary representatives had made them "party agents subject to recall" without notice. In a system devoid of common symbols of loyalty and authority, the parties of the First Republic exhausted themselves in a mortal struggle for the dominance of one class over another.

It is relevant that these parties themselves had their origin in a time of failing symbolism—the decline of the dynastic concept that once cemented the Austro-Hungarian Empire. The parties—or movements—that dominated Austrian political life at that time were the Austro-German remnants of the economic and social forces that had been given political substance with the granting of universal suffrage in 1907. It was then generally assumed that these "inter"-national movements within the monarchy would act as a unifying force able to counteract the national separatism that was fast gaining ground in the far-flung Empire. But a viable basis for common political action was already disappearing during the last decade of the Empire, and the emergence of economically based but nationally oriented political parties merely brought the differences into sharper relief. The essential quality of the Austrian party system under the Empire—its extreme nationalism—spelled the doom of parliamentary government as well as of the Habsburgs themselves. What the First Republic inherited was the class rivalries of the Empire without the unifying concept of the monarchy which, for a time at least, had kept these conflicts from getting out of control.[3]

[2] Braunias, K., *Das Parlamentarische Wahlrecht* (Berlin, 1932), Vol. 2, p. 22 ff.

[3] For an exhaustive treatment of this period, see Jaszi, O., *The Dissolution of the Habsburg Monarchy* (Chicago, 1929); also, Skottsberg, B., "Der Oesterreichische Parla-

Three major political movements during the inter-war years claimed the allegiance of the electorate: Political Catholicism, Democratic Socialism, and German Nationalism, represented respectively by the Christian-Social party, the Social Democratic party, and the Pan-German party. The core of the Social Democratic party was composed of industrial workers in Vienna and other industrial areas, while the chief support for the Christian Socials came from the peasants in the provinces, the middle classes of the cities, and the members of the former Imperial bureaucracy. Certain Protestant academic circles, anticlericals, liberal Catholics, and the diehard elements of German nationalism rallied around the Pan-German party and some minor splinter parties.[4]

The small size and poverty of the country sharpened the bitterness of political strife that was born of class conflict and continuously imperiled the basis of social order.[5] No attempts were made to create the symbols that are fundamental for the harmonious coexistence of differing social and economic groups; instead, each faction sought to make the acceptance of its own philosophic or economic egotism the basis for any kind of negotiations. The goal of complete dominance for its particular Weltanschauung was characteristic of all groups competing for power. In pre-Hitler Austria, two such exclusive political systems, one of an almost romanticized materialism and the other of a somber religious orthodoxy, stood face to face. In 1934 the latter forcibly suppressed the former, only to be ousted again by another system even more rigid and exclusive in doctrine and political organization.[6]

With such a legacy of civil strife, the task confronting the new political lead-

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mentarismus," *Goteborgs. Kungl. Veteskapsoch Vitterhets-Samhalles Handlinger*, Femte Foldjen, Ser. A, Band 7 (Goteborg, 1940); and Voegelin, E., *Der autoritaere Staat, Ein Versuch ueber das oesterr. Staatsproblem* (Vienna, 1936).

[4] Wandruszka, A., "Oesterreichs politische Struktur," in Benedict, H., *Geschichte der Republik Oesterreich* (Vienna, 1954), pp. 289–485. Wandruszka, a Catholic historian, maintains that the division of Austria into "three camps" (*drei Lager*) finds its origin in the national-liberalism of Georg V. Schoenerer who later became the leader of racial chauvinism, thereby paving the way for Hitler's doctrines. Though this theory is not without some originality, it implies that the rational secularism of the late 19th century, which was beginning to penetrate the semi-feudal structure of the Austrian Empire, must bear the responsibility for the breaking up of the political community of that Empire, thereby laying the groundwork for later social conflict. It is significant that the same theory of the common origins of these political movements and their later deterioration into the class struggles of the First Republic was also held by Albert Fuchs (1905–1946), literary historian, and member of the Austrian Communist party (1933–1946), in his work, *Geistige Stroemungen in Oesterreich 1867–1918* (Vienna, Globus Verlag 1949), especially pp. 165–196. Wandruszka does not adequately acknowledge his debt to Fuchs.

[5] Gulick, C. A., *Austria from Habsburg to Hitler* (Berkeley, 1949); see also Schlesinger, R., *Central European Democracy and Its Background* (London, 1953), and his *Federalism in Eastern and Central Europe* (London, 1945), for an analysis of the "armed truce" aspects of relations between the parties in the First Republic.

[6] For a more detailed account of this period, see: Eichstaedt, W., *Von Dollfuss zu Hitler* (Wiesbaden, 1955); also MacDonald, Mary, *The Republic of Austria, 1918–1934* (London, 1946); other useful accounts are Braunthal, J., *The Tragedy of Austria* (London, 1946); Spitzmueller, F., *Und hat auch Ursach' es zu lieben* (Vienna, 1955); Schuschnigg, K. von, *Austrian Requiem* (London, 1947).

ers in 1945 was formidable indeed. Could the heritage of a generation be discarded and the once bitterly feuding social and economic groups become sufficiently realistic and undoctrinaire, sufficiently endowed with a sense of the state, as opposed to that of the party, to prevent the revival of political rifts that could only invite totalitarian solutions? It is this process of transferring loyalty from party to state which has constituted the outstanding problem confronting political leadership in the Second Republic. To the solution of that problem the whole concept of the coalition is basically oriented.

II. THE ORIGIN OF THE *PROPORZ*

The coalition itself originated in those confused and insecure days following the occupation of Vienna, when both victors and vanquished cast anxiously about for persons to whom the onerous task of forming a government could be entrusted.[7] Eventually, the leaders of the three parties whose establishment had been licensed by the Allied authorities formed an *ad hoc* committee.[8] Since no election seemed to be possible within the immediate future, this committee was eventually expanded into a regular cabinet, with its posts distributed among the three "democratic" parties—Socialists (SPOe), People's Party (OeVP), and Communists (KPOe).[9] The idea was to share equally in the re-

[7] There is scant documentary evidence concerning the manner of organization of governmental authority immediately following the entrance of the Red Army into Vienna. Probably the most dependable are personal memoirs, specifically, Dr. Karl Renner, *Denkschrift ueber die Geschichte der Unabhaengigkeits Erklaerung Oesterreichs, mit einem Nachwort von Prof. J. R. Salis* (Zurich, 1946); and Schaerf, Adolf, *April 1945 in Wien* (Vienna, 1946). Both these prominent leaders are agreed that there were no nuclei of trusted leaders who had the confidence of the population regardless of their political convictions, and who could be used to give the new state a semblance of popular support. The constituting of the political parties was strictly a procedure from the top downward, and nobody knew how much support he could count on among the people. Even "resistance groups" were artificially manufactured, probably with Russian help, after the fall of Vienna. These "resistance groups" were in fact the *cadres* from which the regular parties later emerged. Eventually each party recognized only its own "resistance group" as legitimate, denouncing the others as fraudulent, and puppets of the Russians.

[8] The formation of a provisional national government had, in fact, been preceded by the establishment of a similar proportionate government for the City of Vienna. The initially suggested ratio of 5(SPOe):4(KPOe):1(Christian Social) was rejected in favor of a 50:50 distribution of offices between SPOe on the one side and Communists and Christian Socialists on the other. Schaerf, *op. cit.*, pp. 90 ff.

[9] The Communists, in a now familiar pattern, successfully held out for the Ministries of Interior and Education. On April 27, 1945, this committee presented itself to Marshal Tolbuchin of the Red Army, who granted it *de facto* recognition as the Provisional Government of Austria. Characteristically, the first document issued officially by the new government—proclaiming the separation of Austria from Germany and her establishment as an independent, democratic republic—was signed by Renner, Kunschak, and Koplenig, not as the representatives of the Austrian people, but in their capacities as chairmen of the central committees of their respective parties. Renner, *op. cit.*, p. 34 and *StGBl* 1/1945. Renner himself expressed misgivings over this arrangement, but did not see how it could be avoided. Theoretically, at least, it meant the recognition of the sovereignty of the parties

sponsibilities of government during this transitional period until an election could be called. It was agreed to fill every ministerial office with representatives of all three parties: a minister from one party and at his side under-secretaries from the other two parties. Decisions were to be arrived at jointly, the under-secretaries being required to countersign all orders of the ministers. This improvisation, except for the removal of the Communist Party (which left the government in 1946), has survived the results of four national and two presidential elections that have provided clear popular majorities for one or the other of the two major parties.[10] And there is currently no indication of a possible discontinuance of this system in the foreseeable future.

What were the consequences of this kind of cooperation on the shaping of the political process?

First of all, from the very beginning, the primacy of the party over any kind of representative institution was virtually assured. Since no under-secretary or minister could refuse his signature unless he was willing to risk rejection of his party's demand in another department, the area of ministerial or cabinet authority was sharply circumscribed. Individual responsibility was immediately moved into the background as the parties assumed command of policy formulation. In effect, decisions were concentrated more and more in the hands of the two major party leaders—who, as chancellor and vice-chancellor, occupied seats in the cabinet and whose absolute authority within their respective parties made it possible for them to compel the carrying out of decisions reached bilaterally. It was of the greatest importance in determining the bargaining power of either of these leaders, *vis-à-vis* his opposite, and in buttressing his

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prior to that of the state. Allied recognition of the new government was not obtained until June 1945 when the first occupation statute was drawn up.

[10] Following are the results of the Parliamentary elections since 1945:

	1945	1949	1953	1956
OeVP	1,602,227	1,846,581	1,781,777	1,999,986
(seats)	(85)	(77)	(74)	(82)
SPOe	1,434,898	1,623,524	1,818,517	1,873,295
(seats)	(76)	(67)	(73)	(74)
KPOe	174,357	212,651	228,159	192,438
(seats)	(4)	(5)	(4)	(3)
VdU(FPOe)	—	489,273	472,866	283,749
(seats)		(16)	(14)	(6)

The second conservative party, the VdU (since 1955, FPOe) has no share in any proportionate arrangements. The slow absorption of its electoral following by the two major parties has minimized its political effectiveness. The *Koalitionspakt* (see below) serves effectively to prevent a coalition of the conservative parties, or Marxist parties, and of course, the memory of the First Republic serves as a warning against relegatng one or the other of the two major parties into the "permanent opposition." (In Germany the unwelcome consequences of such a "permanent opposition" are again making themselves felt quite strongly.)

authority within the party, that he be able to control the disposition of the requisite positions in the newly forming hierarchy of the government service.

Legally, the distribution was launched with the passage of the *Civil Service Transitional Law*,[11] which was intended to govern the filling of those positions that had been left vacant by the removal of regular NSDAP members and their known sympathizers. The law gave preference to those who had never been Nazi party members and also to those who had proven their anti-Nazi sympathies by having been actually persecuted politically. It prescribed that a proven Austrian democratic attitude was to be considered more important than expert qualifications.[12]

The language of this law worked rather markedly to the disadvantage of the Socialists. Very few, if any, of them had been members of the government service during the First Republic and consequently they had no prior rights to assert. Socialists had therefore to compete on the basis of legal equality with those Austrians whose "democratic" attitudes had not prevented them from faithfully serving the Dollfuss regime but who then had been dismissed by the succeeding Hitler regime. For this reason the SPOe considered it vitally important to safeguard its own political interests by insisting wherever possible on the appointment of active SPOe members to positions—high or low—in the government service.[13]

The ability of each party to press its demands depended on the strength of its popular and parliamentary support, and, accordingly, was subject to adjustment at election time. The first such adjustment took place after the November 1945 election when the Communists found their vote reduced and hence their representation and positions within the government. Eventually, a regular formula was worked out for distributing government positions in proportion to the party strength as it appeared after an election. The tenacity with which each party fought for its proportionate representation in each branch of the government earned the system the appellation of *Proporz* or, more popularly, St. Proportius.

Though the system of *Proporz* was never given any official sanction as a means of regularizing and formalizing appointment procedures, it developed almost effortlessly from the granting of hiring autonomy to most government departments. This made it possible for department heads to surround themselves largely with advisors and subordinates of their own party. As long as the OeVP remains the majority partner in the coalition it has, of course, more ministers under its control and therefore greater access to new positions. By maintaining high educational requirements for certain areas of the civil service, the OeVP also still has the edge over the SPOe, since the bulk of university graduates are OeVP members or affiliated with that party. In any case, it is

[11] *StGBl.* No. 134, Gesetz vom 22 August 1945, zur Wiederherstellung des oesterr. Beamtentums (*Beamten-Ueberleitungs Gesetz*).

[12] *Ibid.* par. 6 (2) (c).

[13] *Protokoll des Parteitages der SPOe*, Vienna 11/15–17/55, pp. 87 ff, pp. 93 ff, passim, and *Protokoll . . .*, 11/15–17/46, pp. 119–143 passim, pp. 207–212.

now generally conceded that no action involving a public position can be taken without party affiliation playing a major role.[14] In time it has become possible for each party to build up a loyal following within specific areas of governmental administration. An unofficial yet strictly observed axiom of Austrian politics requires that no party be dislodged from its sphere of influence regardless of electoral results without its prior consent and then only on the basis of return guarantees.

The nature of these respective spheres and the guarantees that support them are laid down in a document, the *Koalitionspakt*. A published version of this pact was made available for the first time after the election of 1956, and it reflects precisely the bargaining strength of the two government partners.[15] The pact provides that, " . . . in the relations between the OeVP and SPOe, the proportionate result of the election of May 13, 1956, is to be considered as binding. This *Proporz* is to be applied in all proposals concerning administrative positions in the nationalized enterprises. This is valid also for all appointments to the boards of directors and the supervisors of the nationalized banks."[16]

The basis of uninterrupted government cooperation is laid in the article which provides that " . . . government proposals that have the unanimous consent, both in substance and form, of the representatives of the coalition parties in the cabinet, are binding for the representatives of these parties in the National Assembly."[17] The pact further states that such cooperation must extend throughout the duration of the current legislative session and that new elections can be called only upon prior agreement by both parties.[18]

The effect of the coalition pact and its operational instrument, the *Proporz*, on the political life of the country has been twofold and somewhat paradoxical.

[14] For partisan commentaries on the *Proporz*, see H. G. Kramer, "Die Frage des Parteienproporzes bei Stellenbesetzungen," *Oesterr. Monatshefte*, No. 10 (1950), p. 597. For an early criticism of the *Proporz*, see "Ueber die Demokratisierung der Verwaltung," *Zukunft* (Dec. 1946), p. 16. Recent typical, critical commentaries on the theory and practice of *Proporz*, primarily as a factor that undermines the "rule of Law" (*Rechtsstaatidee*), are the following: Maundorff, F., "Termiten im Bau der Democratie," *Die Presse*, Feb. 3, 1957, p. 5; "Parteienkompromisz und die Wahre Democratie," *ibid.*, Jan. 6, 1957, p. 4; "Macht das Oesterr. Parlament Stark," *ibid.*, June 16, 1957, p. 5. Cf. also: Spanner, H., "Die Berufsbeamten und die Staatskrisen," *VDSZL*, Heft 13 (1955), pp. 119 ff; "Die Rolle der Verfassung im Gegenwaertigen politischen und sozialem Leben," *Zoeff R.* NF. Bd. 7/1955, pp. 9 ff. For an analysis of the legality of *Proporz* from the point of view of the Constitution, see Adamovich, L., *Handbuch des Oesterr. Verfassungsrechts*, 5th ed. (Vienna, 1957), pp. 118–121.

[15] For the official version of the *Koalitionspakt*, see *Wiener Zeitung*, June 27, 1956; an unofficial final version, together with the original demands put forward by the SPOe, can be found in *IX. Taetigkeitsbericht der sozialistischen Abgeordneten und Bundesraete* (Vienna, 1956).

[16] *Wiener Zeitung*, June 27, 1956, par. 2.

[17] *Ibid.*, par. 5.

[18] *Ibid.*, par. 3. The pact also provides for the creation of a Coalition Committee in the National Assembly, which is to secure a harmonious cooperation of the parties. It is composed of five representatives from each of the two government parties. Its chairmen are the chancellor and vice-chancellor, and the two party whips must also belong to it. (Par. 4.)

On the one hand they have served to increase the power and organization of the political parties since only the parties provide access to positions of responsibility and control.[19] On the other hand, the continued cooperation and finding of compromises to keep the coalition a going concern have contributed greatly to the reduction of the ideological temperature that was once high enough to break out into civil war. This was expressed concretely in a statement by the president of the National Assembly, who declared that "the consistency with which the two major parties currently reach agreement on decisive issues and the established practice of ensuring this concurrence by a preceding pact are in perfect conformity with the domestic political conditions prevailing in Austria."[20]

The acceptance and workability of the proportionate principle in the filling of government positions as well as the continued adherence to the coalition concept indicate a very realistic compromise between two parties that have recognized the dangers inherent in a deep ideological separation. Because these two parties have become entrenched, however, in distinct areas of the economy and of the government over the past dozen years, it is generally realized that their removal from these spheres of influence might bring in its wake an organizational collapse of the parties. Since the government obviously could not be run if each party insisted rigidly on its doctrine as well as on political dominance in its respective sphere, both parties have willingly paid the price of progressive ideological dilution for the maintenance of their organizations in positions of power and authority.[21] Consequently the two parties no longer confront each other from behind barricades of hostile ideas but instead are able to view sympathetically each other's demands for buttressing power—and meet these demands through strict adherence to the *Proporz* principle. Yet either party, despite the loss of its ideological values, is able to boast of increased organizational strength and, of course, an expansion of party-bureaucratic influence to the point where it is no longer possible for any decision to be made that has not been previously approved by the party executive committees.

[19] The SPOe has the highest membership ratio of any party in Europe, excluding Communist parties. 1956: 36.89%, and not less than 36% at any election since 1945. Its dues collection is also unequalled: 95.2% in 1956. *Bericht an den Parteitag 1957*. Similar figures are less easily available for the OeVP, due to its decentralized tripartite corporate structure, but it is conservatively estimated to have 600,000 dues-paying members. Both parties control huge economic enterprises that assure them continued sources of income, though the OeVP is not quite so well off in this respect as is its "collectivist" partner.

[20] *Die Presse*, June 8, 1957.

[21] See the program decided upon by the OeVP at a special party conference on January 28, 1952, in which mention of the Catholic principle of *Solidarismus*, once espoused enthusiastically by the party in 1945, was relegated to the preamble; the rest of the program dealt with socio-economic problems. *Oesterr. Monatshefte*, March 1952. At the Party Conference of November 1957, the SPOe officially broke with its traditional Marxist past by proposing for adoption a new set of party principles—the first since the *Linzer Programm* of 1926—admittedly patterned after those of the British Labor Party, and citing the errors of Marxian analysis. *Arbeiter Zeitung*, November 22–24, 1957.

III. THE *PROPORZ* IN OPERATION

The process of accommodation between the two party giants can be observed in innumerable instances. Not only are all governmental positions from ambassadors to garbage collectors distributed in exact proportion to the strength of the two parties, but decisions affecting both social and economic policies are also made with reference to the existing distribution of power between the parties. Examples of that kind can be found continually in the daily operations of the government, though here only the most characteristic cases will be singled out.[22]

An almost classic case of the kind is displayed in the attempts to reorganize the governmental broadcasting facilities which until 1955 had been nominally under the control and supervision of the occupation authorities. After the withdrawal of the occupation forces, supervision over these stations was lodged in the hands of the provincial governments. This led to some duplication and inefficiency in both personnel and programming, as well as to the political identification of the various *Land* stations with the party in power, especially in the case of the Vienna station, the largest and best equipped of the system.[23] Between 1955 and 1956 the legal status of the broadcasting system was highly uncertain since neither the provinces nor the central government seemed to have any legal basis for exercising their authority. One of the goals of the 1956 election therefore, as stated by both parties, was a clarification and final settlement of that issue.[24] The SPOe at first went on record as advocating a tightly centralized system, organized preferably as a public corporation but under the jurisdiction of the Ministry of Transport, a Socialist enclave. Later this plan was modified to permit participation by the provinces in the capitalization of the corporation, in a 40:60 ratio, and the creation of a governing board composed equally of representatives from the Ministry of Transport (SPOe) and the Ministry of Education (OeVP).[25]

[22] In the province of Styria the following recent cases have turned on the principle of *Proporz*. Until December 31, 1957, OeVP and SPOe appointed beginning school teachers on the basis of their party membership. *Presse* 6/26/57. The principle applies equally to appointments of principals of secondary schools in the City of Vienna. All social welfare funds—milk subsidies, public housing loan funds and aid to private housing construction —are administered according to the *Proporz*. *Die Wochen Presse*, 2/23/57. The position of vice-president of the Vienna municipal police was left vacant for eight months due to *Proporz* considerations. Since seniority was involved, all promotions down the line had to satisfy the proportional arrangement. *Die Wochen Presse*, July 1, 1957. Most recently the question of political allegiance was raised in the filling of vacancies on the Supreme Judicial Bench of the Provinces. All four of the Superior State Judgeships during the preceding year were listed simultaneously in order to achieve an equitable distribution between the parties. *Berichte und Informationen*, 594 (1957) p. 2.

[23] For an historical account of the administrative problems of broadcasting reorganization, see Vodopivec, A. A., "Unser Rundfunk als Object der Innen Politik," *Berichte und Informationen*, 457: (1955) p. 5.

[24] *Ibid.*, p. 6.

[25] *Sozialistische Korrespondenz*, February 15, 1957.

The OeVP was divided in its attitudes toward reorganization. In the provinces, of course, there was a strong preference for a decentralized system, since the OeVP controlled all but one of the provincial governments. However, this met with strong opposition within the party from the Vienna headquarters, which feared that such a separation would play directly into the hands of the SPOe since that party could then easily get control over the biggest broadcasting plant, the one in Vienna.

With the defeat of the SPOe in the 1956 election, its plan for nationalization of the entire broadcasting system under the authority of the SPOe no longer provided a feasible basis for negotiations. The resulting *Koalitionspakt*, in fact, stipulated that the Cabinet—under OeVP control—would now be charged with the reorganization of the broadcasting system.[26] A cabinet subcommittee, composed of the Chancellor (OeVP), the Vice-Chancellor (SPOe), and the Ministers of Education (OeVP) and of Transport (SPOe) was formed and proceeded to work out the details of the new organization. After protracted negotiations that extended for over a year—and in which the SPOe picked up added bargaining strength through its victory at the presidential election in May 1957[27]—a scheme was eventually worked out that proved acceptable to the coalition partners.

The Austrian broadcasting system was now reorganized as a limited liability corporation responsible to, and under the ultimate authority of, the central government but providing for financial participation and a controlling voice by the provincial governments. A board of directors was constituted, its membership of 26 members distributed proportionately among the parties according to their representation in the plenary committee of the parliament, i.e., 13:12:1. The chief concerns of this board of directors were to be financial. A four-man executive committee was entrusted with the actual management and decisions on policy; to it were appointed two SPOe and two OeVP representatives. The statutes further provided for an Advisory Council on Programming, to which would be sent representatives of the trade unions, chambers, cultural and scientific associations and the arts—equally divided in their party allegiance. Proof that the OeVP still represented the majority of the electorate was shown in its ability to insist on the appointment of an OeVP man as general manager of the corporation.[28]

The broadcasting problem was thus solved in a manner that reflected accurately the distribution of power between the two parties. The OeVP was able to insist on the organization of a "privately" incorporated system which was ultimately subject to the authority of the cabinet in which the OeVP had a majority, while the SPOe was able to assure for itself sufficient positions of con-

[26] *Wiener Zeitung*, June 27, 1956, part II, par. 2 (a, b, c).

[27] SPOe: 2,259,975 (51.12%); OeVP: 2,160,551 (48.88%).

[28] *Wiener Zeitung*, July 16, 1957. For criticism of the "politicized" broadcasting system, castigating it as supposedly not in keeping with constitutional provisions concerning the division of powers between the states and the central government, see *Die Presse*, July 28, 1957, p. 3.

trol and responsibility to make certain that neither radio nor television would reflect one-sidedly the views of the majority party. It is improbable that the Austrian broadcasting system could be turned again, under these circumstances, into an instrument of "government policy," even in the unlikely event of the dissolution of the coalition.

Equally illustrative of the careful division of spheres of influence according to the proportionate strength of the parties is the manner in which the Austrian airlines were organized. The controversy surrounding the founding of Austria's airline system was also a legacy of the occupation. Soviet Russia, in agreeing to the state treaty which saddled Austria with heavy reparations, had sweetened the pill by magnanimously granting to Austria the right to fly, with her own planes, to and across the Soviet Union. This made Austria the only country outside the Iron Curtain to enjoy this privilege, and under the conditions of the cold war then prevailing it was undeniably a unique commercial opportunity, a fact immediately recognized by the then Minister of Transport and Nationalized Industries, Dr. Waldbrunner (SPOe). When, under SPOe sponsorship and with the financial aid of the Scandinavian Air Lines (SAS), a holding company was formed and incorporated as *Austrian State Airways*, he forthwith issued to it a license granting exclusive operating rights.[29]

The objectives of the Socialist minister were, of course, not hidden from the OeVP. Interested parties in the conservative camp countered by sponsoring the formation of a private airline to be known as *Air Austria* whose financial backers were the Dutch KLM and certain private interests in Austria. Since the company could not operate without a license, it applied for one to the Ministry of Transport and Nationalized Industries, only to be informed that such a license would not be forthcoming.[30] However, *Air Austria* (OeVP) had practical advantages over *Austrian Airways* (SPOe) in being able to establish itself in a hangar on Vienna's principal air field and in having access to enough working capital to start the buying of some machines and the training of pilots. The anomalous as well as the comical aspects of the situation were reminiscent of the plots of some old-style Viennese operettas: the company with the license but without capital confronting the company without license but with the necessary funds.

It was fairly clear that Waldbrunner's aim was a completely nationalized airline system that would fall easily within the sphere of interest of the SPOe. Whether this scheme could have succeeded can no longer be stated with certainty; undoubtedly Waldbrunner's position in this as well as in a similar matter involving rights to oil deposits seemed strong enough to make any merely temporizing settlement impossible.[31] If the OeVP wanted to challenge the SPOe

[29] *Wiener Zeitung*, October 20, December 17, 1955.

[30] *Wiener Zeitung*, December 23, 1955. At the time *Air Austria* threatened to bring the issue before the constitutional court, but it never acted on that threat.

[31] The 1955 State Treaty establishing Austria's independence also provided for the return to her of formerly Western-owned oil fields that had been under Russian domination. It was the intention of Waldbrunner's ministry, which had been entrusted with tem-

on this matter, elections that would measure again the "proportionate" influence of the respective parties seemed the only possible answer. National elections were called accordingly for May 1956. The result, somewhat unexpectedly, was a reduction in the popular support of the SPOe—and the consequent obsolescence of Waldbrunner's grandiose plans for nationalization of both air and oil.[32] Instead, on the basis of the *Koalitionspakt*, the parties now began to negotiate for the creation of a corporate structure that would assure both coalition partners influence and control proportionate to their showing in the May elections.

A compromise finally emerged in July 1957, after thirteen months of on-again-off-again negotiations held against the background of threats of a dissolution of the coalition. It was agreed to merge the "paper" airline with the "squatting" airline as the OeLAG (*Oesterreichische Luft Verkehrs A. G.*), Austrian Air Transit Corporation. This privately incorporated company was to be capitalized according to a 60:40 ratio, representing the interests of the OeVP and SPOe groups respectively and together making up 70 per cent of the total investment; the rest—30 per cent—was to be raised from foreign sources. The Austrian share thus was split 42 per cent to 28 per cent of the total, the former representing the investment interests of the three nationalized banks (*Creditanstalt*, *Laenderbank*, and *Oesterreich. Creditinstitute*) all under OeVP control, and of a number of large industrial firms that were well known backers of the conservative party. The latter represented the funds of the *Arbeiterbank*, Vienna Municipality, Austrian Travel Bureau, Vienna Mu-

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porary administration of these enterprises, to nationalize them completely. Since these oil fields were located in the OeVP-governed *Land* of Lower Austria, the *Land* government claimed them as *Land* property. It created an oil enterprise of its own, *NIOGAS*, backed by OeVP-oriented financial interests, and declared its intention to issue operating rights to United States and British oil companies. This scheme understandably aroused the opposition of the SPOe, which charged the OeVP with wanting to bring Austria again under the domination of foreign capital and to compromise its neutrality. *Arbeiter Zeitung*, February 2, 1956. For the highly complicated legal tangle that surrounded the returned oil properties (no less than 17 treaties were applicable) see *Die Presse*, January 20, 1957; also *Wiener Zeitung*, December 2, 1955.

[32] The jurisdiction of Socialist Minister Waldbrunner was reduced from Transport and Nationalized Industries to Transport and Electricity. The nationalized industry complex, including oil, was transferred to the authority of a cabinet committee under the chairmanship of Chancellor Raab, which gave the OeVP a permanent one-vote majority. The authority of this committee also extended, as a board of directors, to a newly chartered corporation charged exclusively with the exploitation of Austrian oil deposits, in which the government held a majority interest. *Koalitionspakt*, IV and V, *Wiener Zeitung*, June 29, 1956. If this seems like a crushing defeat for the SPOe, it must be pointed out that despite the substitution of collegial for one-man rule in the nationalized industries, the SPOe influence on the managerial level went unimpaired. And in the case of oil, the SPOe at least secured a share in the control of these deposits. Neither arrangement would have been likely under a "normally" operating parliamentary system. For a detailed account of the administrative reorganization pursuant to the provisions of the *Pakt*, see "Das kleinere Ministerium und die grosse Holding-Gmbh," *Berichte und Informationen*, 519 (1956), p. 7.

nicipal Insurance Company and others—all institutions under direct SPOe control.[33]

Both parties were highly satisfied with this settlement, the OeVP because it held majority control, and the SPOe because it had been able to reserve for itself at least a partially controlling interest in a commercial enterprise whose continued importance and almost certain profitability were virtually assured. It also proved that outright nationalization was no longer necessary to provide the party with a determining influence in the economy.

Two other major examples can be cited to illustrate the pervasive influence of the *Proporz*. One is the arrangement that made possible the emission of "People's Shares"—a form of denationalization of the banks—and the other is the creation of the military establishment permitted to the newly neutralized Austria by the former occupying powers.

Among the issues with which the OeVP had entered the 1956 national election was the denationalization of the banks. This was not regarded very seriously by the SPOe: such a step could hardly be taken, even in the event of an OeVP victory, without bringing into question the further continuance of the coalition—a risk neither partner was willing to take. The *Koalitionspakt* contained no reference to any such plan. Even the declaration of government policy endorsed by the SPOe made only passing reference to the eventual issuance of "People's Shares."[34]

Events took an unexpected turn, however, and both parties were forced to deal with the problem much sooner than they had anticipated. The action which triggered the People's Share problem was the threat, in October 1956, of a general strike by public employees. They demanded that scheduled salary increases be moved up from the date originally promised, July 1957, to January 1957.[35] The gap which this step would leave in the budget was estimated at about 600 mil.A.S. Chancellor Raab and his finance minister, Herr Kamitz,

[33] *Wiener Zeitung*, July 11, 1957. A complication arose involving the 30% to be raised by foreign capital. What would be the situation if any of the foreign shareholders wanted to sell out? Which party would be permitted to acquire that share? The OeVP proposed to use the key 60:40 equally for the share of the withdrawing party. The SPOe objected on the ground that this would give the OeVP an absolute majority; it suggested instead that the 60:40 key should be used only to the extent that it would not give more than 50% of the shares to either one of the Austrian groups. Since the negotiations on this point seemed to endanger the whole project, the foreign shareholders finally prevailed upon the two parties to let this point ride and trust the good judgment of the withdrawing party. Perhaps too weary to object, both parties accepted. *Die Presse*, July 11, 1957.

[34] *Wiener Zeitung*, July 5, 1956.

[35] In February 1956, Parliament had passed a law designed to raise salaries of federal public employees gradually to the level of those paid by private industry. Due to inflation, public salaries had fallen far behind those in private industry. The law promised to raise public salaries up to 85% of parity by July 1957. But in a surprise move the city government of Vienna (SPOe) announced that its employees would receive their full salaries by January 1, 1957. The SPOe entered upon this course, reluctantly, knowing full well the low state of federal finances, but it felt obliged to give in to the pressures of the public service trade union (SPOe dominated). It also hoped to put the OeVP into the embarrassing position of having to hedge on one of its campaign promises.

moved quickly and without prior consultation with the coalition partner. Having first secured a promise of support from the six-man FPOe, the OeVP laid before Parliament a resolution demanding the sale of government shares in the nationalized banks to cover the prospective budget deficit.[36] But the risk which the OeVP seemed to be taking deliberately, of dissolving the coalition, was really no risk at all. The SPOe, like its coalition partner, stood committed to the salary raises for public employees. The treasury was undeniably empty and the SPOe was in no position politically to insist on its own plan for covering the deficit—raising taxes—since that would have alienated a considerable portion of its own supporters.

After a hastily called meeting of its central committee, the SPOe declared its willingness to agree in principle to the OeVP proposal, provided that a majority of the shares of the nationalized banks should remain in public hands.[37] Privately, many SPOe leaders expressed the opinion that in conditions of prosperity and full employment it would not make too much difference who owned a minority interest in the nationalized enterprises. The SPOe and the OeVP now entered into negotiations over the "proportionate" division of the capital of the three large nationalized banks.

On the basis of a separate coalition agreement, the two parties in December 1956 introduced jointly a bill that provided for full payment of public salaries by January 1957 and also contained provisions for meeting the consequent budgetary expenses.[38] Thirty per cent of the capital of the nationalized banks was to be issued as non-voting shares of six per cent preferred stock, and these would be available to the public as "people's shares." Another 10 per cent of bank capital would be sold as regular Founders' shares with full voting rights, but only to *party-controlled enterprises*, on the basis of a 60:40 distribution between the OeVP and SPOe respectively.

In order to arrange for the sale of these securities, the Ministry of Finance initiated the creation of two investment trusts, A and B, each representing the financial interests of one party. Investment trust A is dominated by agricultural cooperatives and a number of provincial private banks, all closely identified with the OeVP; they in turn, offered these securities for sale to other OeVP-dominated interest groups, *e.g.*, the Chambers of Commerce, Association of Manufacturing Industries, and remaining agricultural cooperatives. Investment trust B was controlled by the *Arbeiterbank* and the Central Savings Association of the City of Vienna, both SPOe-operated enterprises. This trust would then sell exclusively to the OeGB (Austrian Trade Union Federation) and to the Consumer Cooperatives, both SPOe-controlled institutions.

The agreement was hailed by both sides as a triumph of compromise and as an illustration of the beneficent workings of the *Proporz* in yet another sphere of public life. In March 1957 the first People's Shares went on sale; the first person to appear for his "People's Share" was a trolley-car conductor whose

[36] *Die Neue Tageszeitung*, October 11, 1956.
[37] *Arbeiter Zeitung*, October 12, 1956.
[38] *BGBl*, December 18, 1956.

membership in the SPOe dated back to the time of the "class struggles" in the First Republic. Within a few weeks the People's Shares were oversubscribed and ceased to be a political issue.[39]

But undoubtedly the greatest triumph of the *Proporz* was achieved in connection with the new military establishment of the liberated Second Republic. After the bitter experiences with the army of the First Republic a long controversy between the parties over ultimate control of the new army seemed almost unavoidable. Especially in view of the tensions then agitating the West German neighbor, equally busy with the task of creating a new military establishment, the efforts in Austria were watched with apprehension by both foreign and domestic observers. But no friction developed between the parties. With spectacularly diplomatic smoothness, even the minor points were very soon settled. After ten years of practice in operating the *Proporz* machinery, this should hardly have been cause for surprise.

As the majority party, the OeVP could claim for itself the office of Minister of Defense.[40] The occupant of this post was no newcomer to either politics or administration. Herr Graf, secretary of the OeVP, had been in charge of the federal police force (*Bundes-Gendarmerie*) built up during the occupation. This force fell under the jurisdiction of the Minister of the Interior, Herr Helmer, a Socialist who had already proven during the 1950 Communist riots that he could and would fully cooperate with his assistant secretary from the other party.[41] Graf's lines of communication to the SPOe were, therefore, of the best, and it was even rumored that the SPOe insisted on his appointment to the Defense Ministry over that of others.

The new minister, in turn, was given a Socialist undersecretary, Dr. Stephani, who, unlike his superior, had an excellent war record—as a decorated captain in the German tank corps—and who had joined the SPOe only after the war. Together, the former concentration camp inmate and the former *Wehrmacht* captain prevented a struggle from developing over the control of this new power factor in Austrian politics.

The re-establishment of the army was aided by the fact that the constitution vests the authority of Commander-in-Chief in the President, who is elected by popular vote.[42] In 1956 that office was held by Herr Koerner, Socialist, one-

[39] *Die Presse*, February 7, 1957.

[40] The negotiations on this point hardly caused a ripple in the press. The *Koalitionspakt* merely stated, par. 3, that "The about-to-be-established Federal Ministry of Defense takes over those tasks that until now have been performed by Division VI, heretofore under the authority of the Federal Chancellory." Although this Division VI had been responsible to OeVP Chancellor Raab, the Vice Chancellor (SPOe) had had the right to veto its decisions.

[41] Migsch, Alfred, *Anschlag auf Oesterreich*, SPOe Party Publication (Vienna, 1951). See also Klenner, F., *Putsch Versuch oder nicht?*, OeGB (Austrian Trade Union Federation) publication (Vienna, 1951).

[42] *Bundesverfassungsgesetz* (1929) *BGBl* 392/3. Art. 60 and Art. 80 (1). Austria and Finland are the only European countries that elect the President by direct popular vote. So far all three heads of state in Austria have been members of the SPOe. The exercise of

time general of the Imperial Army, and one of the organizers of the *Schutzbund*, the SPD party's paramilitary organization of the First Republic. Under his influence the Second Republic avoided many of the mistakes that had frustrated the creation of a popular army in the early days of the First Republic. Together with military experts, Koerner insisted on the principle of a single Chief of Staff, and was able to convince both parties of the advantages of such an organization. The Law of September 7, 1955, providing for the creation of a defense establishment, declared that "the Minister of Defense exercises his authority via the commanding officers and *their* superior officer."[43] Thus was implied the creation of an office of Chief Inspector General of Troops who is in effect a single Supreme Chief of Staff. It is his responsibility to select the higher rank command and staff officers. The man appointed to this position of supreme command was Colonel Fusseneger, son of a former officer in the Austrian Imperial Army, himself a career soldier in the army of the First Republic, and later in the German *Wehrmacht*.[44] What made Colonel Fusseneger so eminently acceptable to both parties was his "clean" record during the First Republic. Through a combination of happy circumstances, he had managed to be absent whenever the army became involved in conflict, armed or otherwise, with the civilian part of the Austrian population.[45]

In appointing Fusseneger as Chief of Staff, the Second Republic showed once again that it had learned a lesson from the First Republic. The suspicious founders of the shaky constitutional edifice in 1920 refused to grant to its army a supreme military commander. As a result, the Austrian army became the plaything of the parties, until, eventually, the conservative Christian Socialists captured complete control and successfully fashioned it into the exclusive instrument of that party. The natural reaction of the Social Democrats was to turn their backs on the military, castigating it as an instrument of class oppression, and to devote themselves to the perfection of their own military arm.[46]

Even within the short time since the new Austrian army has been in operation, it is agreed by all competent observers that Colonel Fusseneger, unimpeded by party bickerings, has succeeded in creating an impeccably organized and well-disciplined conventional defense arm that has earned him the confidence and admiration of both government parties.[47] During the period of the

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his authority as Commander-in-Chief is, however, restricted by Art. 80 (2), which makes that authority dependent on the passage of a *Military Service Law* (*Wehrgesetz*) which vests command authority in the Minister of Defense (Art. 80 (3)) who is, of course, responsible to the National Assembly.

[43] *BGBl* 181/1955.

[44] *Wiener Zeitung*, July 26, 1956.

[45] For a "profile" on the new General Troop Inspector, see the West German Weekly, *Der Spiegel*, October 10, 1956, p. 27.

[46] For an excellent analysis of the politics of the Austrian army and especially the early problems of the Austrian general staff, see Jedlicka, L., *Ein Heer im Schatten der Parteien* (Graz, 1955).

[47] This writer had the opportunity to be present when the new army first presented itself to the public at the Presidential Inaugural parade on May 22, 1957. There was

Hungarian revolution his organization received its "baptism of fire" by conducting itself in such a manner as to avoid all semblance of partisanship or aggressiveness, in a situation that was fraught with explosive international potentialities.

IV. CONCLUSION

The creation of a civil service and an army which, though not necessarily "neutral" or "nonpartisan" in the usual tradition, are at least fully acceptable to both government parties is an achievement that cannot be overestimated in view of the turbulent history of the Austrian Republic. It bespeaks a spirit of cooperation that by now extends into the most delicate areas of public policy, *e.g.*, that of Church-State relations. This relationship is even now undergoing a process of accommodation that may have far-reaching consequences for Vatican policies in other countries.[48]

Provided the practice of *Proporz* can be continued without major impairment of the state's services, it may well constitute the only effective instrument for injecting into Austrian politics that sense of state over party, the absence of which contributed to the downfall of the First Republic. The sudden discontinuance of the *Proporz* at the present time would almost certainly work incalculable damage to both government parties and seriously undermine the sense of trust in the idea of coalition which is held responsible by Austria's leading politicians as well as their followers for the current economic prosperity, social tranquillity, and political stability.[49]

Nevertheless, these leaders are not unaware of the disadvantages wrought by their "peculiar institution." Efforts at reducing the area in which the writ of the *Proporz* runs are under way. Thus it has been suggested that regular civil service examinations should be introduced for positions that require expert technical qualifications. Reference to such reforms was made by the new President, Dr. Schaerf, former chairman of the SPOe, in his inaugural speech, and since then they have received the endorsement of other well known personalities in both parties.[50] This, it is generally agreed, is at least a beginning which

unanimous agreement among the officials of both parties that this was a "people's army" (*Volksheer*). For representative comments praising the new formations, see *Arbeiterzeitung*, May 23, 1957 (SPOe); *Die Neue Tageszeitung*, May 23, 1957 (OeVP); *Salzburger Nachrichten* (independent, but close to FPOe), May 23, 1957. Even the Communist *Volksstimme* failed to castigate the army as an instrument of class oppression (5/23/57).

[48] *Die Wochenpresse*, December 21, 1957.

[49] This was the private opinion not only of responsible government leaders, but also of scores of "men in the street" whom this writer interviewed. The view was widely expressed that as a symbol of unity, the coalition and its corollary, the *Proporz*, have in fact become the first acceptable substitute for the "Dynastic symbol" of the Empire. Many voters agreed freely that when casting their ballots they were really voting "for, or against, the coalition," rather than for any individual party. A public statement by prominent personalities in the arts and sciences, specifically endorsing the *Proporz* as a safeguard of public responsibility, was issued in the course of the 1957 presidential campaign. Though some of the signers of this campaign document were close to the SPOe, a major part could not be identified with any of the parliamentary parties. *Die Presse*, April 9, 1957, p. 3.

[50] *Wiener Zeitung*, May 23, 1957.

may prove eventually that the practice of the "Holy Proportius" will not have been in vain, but, on the contrary, can be considered as having justified itself as a contributing factor in successfully launching Austria on its second attempt at an independent national existence.

Despite the unifying effects of the trying experiences of the last two decades, Austria is still groping for national unity. Given the present size and still largely compartmentalized spheres of influence of the two government parties, it is doubtful that anything but their continued cooperation can provide a basis for popular acceptance of the Austrian state. A disruption of that condition, especially in view of Austria's exposed international position, might again herald that "tendency toward non-existence" that stalked the political efforts of the First Republic. It is possible, of course, that the present system could, under these circumstances, lend itself more easily to the establishment of one-man rule in a period of real internal crisis. Yet it is not without significance that so far this arrangement has weathered several crises without taking this ultimate step and without the participation of either the extreme right or left. Equally, this unique political collaboration can be given at least part of the credit for having maintained Austria's continued separation from the Communist-dominated East European bloc of nations.

FEDERALISM AND THE PARTY SYSTEM: THE CASE OF WEST GERMANY

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West Germany today is ruled by a constitutional regime in which a strongly led democratic majority party has carried the predominant, indeed, increasingly almost the sole, responsibility of running the national government. Yet the "basic law" of the country embodies a federal system of institutions and checks and balances which were in great measure designed specifically to hamper the exercise of power by just such a politically powerful national government. The inclusion in the Constitution, under German federalist and Allied pressure, of a number of institutional devices, especially that of the "Bundesrat" rather than the "Senate" form of upper House, was rather openly intended to introduce restraints on the power of national party leaderships by allowing the leaders of the Laender governments a direct voice and, on many matters, a potential veto in the formulation of national policies. The creation of a second chamber with members drawn from, and exclusively responsible to, the Land cabinets was pretty clearly an attempt to institutionalize political diversity. It was expected that as the party makeup of the several Laender governments would often differ from the coalition pattern of the Federal government, and that as each Land government would have to cast its indivisible Bundesrat votes with regard both to its regional interests and to its particular party composition, the resultant configuration of power in the upper chamber would differ considerably from that in the Bundestag.[1]

This anticipation of the function of the Bundesrat, however, as well as the expectations of viability in practice for other constitutional institutions and devices, presupposed the continuance of the sort of multi-party system which West Germany knew in 1948–9, and had known not only during the Weimar period, but indeed during all of modern German history. The fact is, to the contrary, that the German party structure has changed very radically in the course of the past ten years. Where no less than thirteen parties had representation in the First Bundestag, only four retain seats in the present third session. Some observers have detected a clear trend toward a two-party system (82 per cent of the votes were divided between the CDU and SPD in 1957), while

[1] For accounts of the political background of the Basic Law, see Hans Simons, "The Bonn Constitution and Its Government" in Hans Morgenthau (ed.), *Germany and the Future of Europe* (Chicago, 1951); Carl J. Friedrich and Herbert J. Spiro, "The Constitution of the German Federal Republic" in Edward H. Litchfield (ed.), *Governing Post-War Germany* (Ithaca, 1953); and John Brown Mason "Federalism—The Bonn Model" in *Constitutions and Constitutional Trends Since World War II* (New York, 2d ed., 1955). The authoritative analytical account of the decisions of the Parliamentary Council is Klaus-Berto Doemming, *et al.*, "Die Entstehungsgeschichte der Artikel des Grundgesetzes" in *Jahrbuch des oeffentlichen Rechts*, Neue Folge, Band 1, (Tuebingen, 1953). Most recent is John Ford Golay's penetrating study, *The Founding of the Federal Republic of Germany* (Chicago, 1958).

others think that the present situation could more accurately be termed a "one and a half party system."[2] In either view of the CDU's present day dominance in German politics, it is difficult to overestimate the party's influence in shaping contemporary political institutions as well as the political culture within which they function. Little more than a loosely-coordinated alliance of Christian Democratic Land parties as late as 1949, it has now become a powerful instrument for the exercise of national power, with its members and components held in harness by a firm Chancellor. Once the party most anxious to establish the principles of federalism in the post-war German constitution, it has become the party which much more than any other has decided just how far these principles were to be applied in practice.

This study seeks to analyze the effects of the "federal" policies of the CDU leadership—federal in the sense of affecting Bund-Land relationships—on the party itself, on the German party system and on the constitutional system. To do so, it will examine the inter-relationships between the national CDU leadership in Bonn and the Land CDU leaders in the Bundesrat and in the Laender capitals. Although the account deals with issues that concern varying German regions and Laender, the common theme is the adaptation of CDU attitudes toward federal problems to meet the changing tactical requirements of the party leaders, seen at the beginning in good part from the perspective of the Land governments, but later, with increasingly one-sided emphasis, predominantly from the Federal vantage point. In sharp contrast with the record of the Federal government, where party control and cabinet personnel have on the whole remained fairly unchanged since 1949, virtually all the ten Land governments have had one or more significant changes of government during this period.[3] In most Laender the CDU has usually had to "run with the pack" in trying to form coalition cabinets in circumstances admitting of a multiple number of possible party combinations. How has it reconciled its need to find locally amenable coalition partners with the over-all need to back up the Federal government? This question underlies the struggles for majorities in the Bundesrat, and for the coordination of Land electoral campaigns with Federal policies, which tested both the elasticity of the constitution and the cohesion of the parties.

I. THE BUNDESRAT AND THE BASIC LAW

In a very real sense the political moves preceding the adoption of the Basic Law were significant as contests not only between the Allies and the various German parties, but also between those German politicians who had stakes in maintaining the power of the Laender governments, and those who were the heirs-apparent to federal powers, namely the national party leaders.[4] Although the Socialists had at their first post-war national meeting in 1946 called upon the Laender "not to place too much emphasis on perpetuating their own exist-

[2] Karl Loewenstein, *Political Power and the Governmental Process* (Chicago, 1957), p. 97.

[3] Those which might be said to have a record of stability equal to that of the Federal government, in the sense that the dominant party has maintained itself throughout, would include only Rhineland-Palatinate (CDU), Bremen (SPD) and Hessen (SPD).

[4] Simons, *op. cit.* p. 122.

ence," and to regard themselves only as "building-blocks toward the achievement of a higher national order,"[5] many of their Land politicians by 1949 had developed substantial attachments to the *status quo*, which made even this ideologically moulded group somewhat cool toward instructions from their national headquarters. In the CDU, a relative lack of concrete doctrine and the lack of a party organization effectively functioning on an inter-zonal level allowed the more outright proponents of federalist views something of a natural advantage; these were re-inforced by general Catholic political concepts like the principle of hierarchy. For this reason there was no basic question about accepting the Laender structure; the dispute in the party concerned only the emphasis to be given to Laender powers in the federal constituion.

The more federalist south German CDU leaders,[6] who were well organized in their own Ellwanger Kreis, took the propaganda initiative in demanding maximum recognition in the constitution for Laender prerogatives. It was the Laender, they argued, "who had started with the job of building up the new German state," and their experience should be put to good use in establishing the Federal government.[7] The CDU federalists of course received considerable backing from the insistence of the Allies that the constitution was to create a federal state. While the Socialist executive put forth the bold claim that it would combat any attempts to "impose constitutional construction upon Germany,"[8] the balance of forces within the CDU allowed that party to work much more closely with the Allies on this point. Behind the scenes, however, considerable conflict developed between the CDU Land leaders and the would-be national leaders. The Ellwanger Kreis was quite open in presenting its suspicions. "We doubt," they wrote, "whether past and present experience allow letting the popular will in a federal state to be represented solely by the parties" and they voiced their apprehensions of the unitarian aims of the centralized party leadership.[9]

The partial failure of both party leaderships in trying to steer their party followers away from adopting too federalistic solutions is well illustrated in the course of the Parliamentary Council's deliberations on the character and powers of the Upper House. The SPD went into the sessions pledged to create a Senate form of upper house. So, in a less formal manner, were most of the North German CDU delegates. In fact it looked for a while as though the Senate formula was sure of passage, and at one point Robert Lehr, the vice-chairman of the

[5] Klaus Schuetz, "Die Sozialdemokratie im Nachkriegsdeutschland," in M. G. Lange (ed.), *Parteien in der Bundesrepublik* (Berlin, 1955), pp. 228–29.

[6] Systematic accounts of early postwar developments among Christian Democratic groups in South Germany are badly lacking. H. G. Wieck, the author of the published account of CDU beginnings in the British zone, subsequently prepared a manuscript on South Germany. This has yet to be published by the sponsoring Kommission der Geschichte des Parlamentarismus und der Politischen Parteien (Bonn). A detailed account of the development of the CDU between 1945 and 1950, by the author of this article, will be published this year.

[7] Ellwangen group paper, "Laenderkammer oder Laenderrat," mimeographed, n.d.

[8] Declaration by SPD executive of June 29, 1948, cited in Schuetz, *op. cit.*, p. 231.

[9] "Laenderkammer oder Laenderrat," *op. cit.*

CDU *fraktion*, even thought he had the great majority of his party agreeable to a formula based on a variant of the Senate principle.

But just at this decisive point (he reported) Staatsminister Pfeiffer, our own parliamentary group chairman (chairman of the combined CDU/CSU Fraktion) went to Munich and asked for help from Minister-President Ehard. Ehard came and negotiated, not with us, but with Herr Menzel (the Socialist Minister of Interior of North-Rhine-Westphalia). And after the two gentlemen had breakfasted together the Social Democrats went home with the happy assurance that the finance administration would be a Federal matter, and they sacrificed for it the principle of the Senate.[10]

From this interesting agreement it certainly appeared at the time as though the Land leaders had gotten the better of the bargain. The Ellwanger group felt satisfied that they had created through the Bundesrat an institution which would check the national party leader's desire to "strengthen the personal influence by *coordinating* the politics of both chambers." The constitutional provision that Laender votes in the upper chamber could be voted only as a unit seemed a further check on attempts by the national leadership to impose their policies on individual Land ministers participating in coalitions. Thus the federalists succeeded in creating a chamber which was meant to be in reality "a continuous Congress of Land ministers,"[11] different from all other federal second chambers in that its members were not free to vote in accordance with party programs or party allegiances, but only in accordance with the instructions of their Land cabinets. The Bundesrat was not given *equal* power in the legislative process—though the CDU had pressed for this—but it was invested with far-reaching powers to allow "The Laender to participate in Federal legislation and administration."[12] On stipulated categories of legislation affecting Land-Bund relationships the Bundesrat was given a virtually absolute veto (Zustimmungsgesetze). In addition it received a general suspensive veto (Einsspruch) power, the use of which could be overridden only by requisite Bundestag majorities.

II. THE ATTEMPT TO IMPOSE PARTY DISCIPLINE

Shortly after Adenauer's election as Chancellor the new leader started to use his new-found power to overcome the limitations on his authority imposed both by the constitutional framework and by the decentralized structure of his own party. Asserting his power from the very beginning, he virtually circumvented his own party's decision-making process by pushing through the formula of a right-wing coalition against the opposition, especially, of many of the Land Ministers and leaders from the South and West. He also emphasized his control of the government by making not only positions in the cabinet but also such positions as the Federal Presidency and the Presidencies of the Bundestag

[10] Protocol, CDU British Zonal Council, Meeting of February 26, 1949, Archive Doerpinghaus, Roisdorf. Parenthetical insertions are the author's.

[11] Theodor Eschenburg, *Staat und Gesellschaft in Deutschland* (Stuttgart, 1956), p. 614.

[12] Article 50, Basic Law. For a concise enumeration of the Bundesrat's constitutional powers, see Eschenburg, *op. cit.*, pp. 618–27.

and Bundesrat part of the coalition deal with the allied parties, the FDP and DP. He succeeded in carrying most of his "ticket"—except in the Bundesrat. There his choice, Hans Ehard of Bavaria, could have been elected had all the CDU/CSU and FDP Minister-Presidents followed the cue from Bonn. But some of the CDU Ministers still rankled from the cavalier manner in which their advice had been ignored in the crucial negotiations of the preceding weeks. This was true especially of Karl Arnold. When Arnold announced that his own CDU-SPD Land cabinet had instructed him to cast North-Rhine-Westphalia's five votes not for Ehard, but for himself, the Socialist-dominated Laender and most of the CDU-dominated ones also went along with his lead. This action not only hurt Adenauer's prestige within his own party, but also forced him once again to revise the list of his cabinet members so as to give the Bavarians satisfaction. It gave him more cause to distrust the upper chamber's reliability, and to spur his attempts to bring both it and the CDU Laender parties more fully under his control.

At the beginning of 1950 the dominant party coalition pattern in the Land governments was still very much that of the "grand coalition," with both major parties as coalition partners in the majority of Land cabinets. Where the original grand coalition had already broken up—as in Bavaria, Schleswig-Holstein and the smaller Laender of Hamburg, South Baden and Bremen—the reasons had primarily been differences over local, rather than national policy. Soon after the creation of the Federal government, however, those CDU leaders who proposed not to go along with Adenauer's policy of coalescing with the Right began to find themselves under increasing attack from the right wing of their party. Men like Werner Hilpert of Hessen and Guenther Gereke of Lower Saxony, both Vice-Minister-Presidents in Land coalitions led by the SPD, were increasingly ostracized as "anti-Adenauer" men. By the summer of 1950 most of the recalcitrants had either capitulated or been forced out of influential positions; but some independent strongholds remained, notably Karl Arnold's "left-wing" cabinet in Duesseldorf. After the Land elections of June, 1950, the question was whether this cabinet would be renewed or be replaced by a right-wing combination.

The intra-party relationship between Adenauer and Arnold at this point was strained. Adenauer had been elected to the chairmanship of the important Rhineland CDU in early 1946, largely with the help of Arnold and his trade union friends. As Adenauer became increasingly active on the zonal and national level, Arnold took over the Land Minister-Presidency. As Adenauer moved more openly to the Right, Arnold stood by the party's earlier "social" orientation. In June, 1950, Adenauer was still chairman of the Rhineland party organization, but had not as yet been duly ratified as Chairman of the Federal party. Arnold on the other hand held the personal loyalty of a large segment of the CDU politicians in both parts of the Land, especially in the Landtag parliamentary party.

Shortly after the election, in which the CDU had remained as the largest Land party but without a majority, Adenauer, meeting with several other

Rhineland-Westphalian CDU leaders in Arnold's absence, declared that until the meeting of the parliamentary group, "political decisions for Land North-Rhine-Westphalia can be undertaken only by the chairmen of the Land Parties."[13] No notice was taken of the incumbent Minister-President, other than to indicate that he had been reelected as deputy. When subsequently the CDU Landtag deputies met in Duesseldorf, a clear split was indicated between a hard core of Arnold supporters favoring a continued coalition with the SPD and a somewhat larger but not so coherent group of conservatives who favored Adenauer's solution of a right-wing coalition with the FDP. No consensus could be reached. For the ensuing six weeks, part of the CDU were negotiating with the SPD, others with the FDP and still others with the Zentrum, the small Catholic party which had only sixteen Landtag seats. In the face of great public outcry at the politicians' inability to form a government, Arnold at the end of July persuaded both his own and other parties to back the formation of a "caretaker" minority cabinet consisting only of CDU ministers. But after his installation the conflict grew still more acute, as Arnold refused to follow the slim right-wing majority, while the right-wing leaders obviously feared that Arnold would present them with a fait accompli in the form of a CDU-SPD-Zentrum cabinet which could have won Landtag approval even without the votes of the right-wing CDU group. For a time he even boycotted meetings of his own parliamentary party, and right-wing leaders could communicate with him only through emissaries. In the middle of August, the right-wing dominated *Fraktion* executive went so far as to send Arnold a letter requesting that "regardless of the rules of the constitution, the Herr Ministerpresident should undertake no cabinet formation . . . without having previously assured himself of the support of the *Fraktion*."[14] This picture of a parliamentary party urging its own Minister-President not to use his constitutional powers may seem somewhat unusual, but more was to come. The week after, the official organ of the Federal CDU in Bonn openly called on Arnold either to make up his mind to do without the SPD or else to resign his office.[15] Several weeks later, in the face of a continued deadlock, Adenauer made a special trip to Duesseldorf to tell the Minister-President to his face in front of the entire *Fraktion* that Arnold "must resign or be faced with the charge of deception." But Arnold's sensibilities withstood the shock. He refused to resign and instead demanded that the *Fraktion* accept his last-ditch compromise, a government without either the SPD or the FDP, based solely on a coalition with the small Zentrum. Faced with this ultimatum the right-wing had no choice but to accept the solution "as a temporary measure." It was to last four years. Arnold, once Adenauer's lieutenant in Rhineland politics, had shown that he, like the Chancellor himself, would not hesitate to assert his personal powers even against the majority of his own party. The Chancellor's first significant attempt to extend his

[13] *Union in Deutschland*, (*UiD*) CDU newsletter, June, 24, 1950.

[14] Letter of August 19, 1950, Archive CDU Fraktion, North-Rhine-Westphalian Landtag, Duesseldorf.

[15] *UiD*, August 26, 1950.

political control into the Land level thus ended in something of a stalemate. An imminent conflict over Land-Federal relationships both in the constitutional and in the party frameworks, was to deepen his predicament.

III. THE FEDERALISM ISSUE AND PARTY COHESION

This issue involved the very delicate problem of Land reorganization. It concerned the so-called "Suedweststaat" and arose from the fact that the carving out of a French zone from the original zones of occupation had created Laender which were neither economically viable nor founded on any sort of regional traditions. The two small Laender in the French zone, South-Baden and South-Wuerttemberg-Hohenzollern, were the largely agricultural rumps which remained after the Americans had unified the more industrialized northern portions of the two old Laender into the new Land of Wuerttemberg-Baden. A reform was vitally necessary. The question was the form it would take: the recreation of the old Laender of Baden and Wuerttemberg, or the merging of the entire territory into a new South-West State. Good arguments could be, and were, made for both solutions over a number of years. Essentially the question boiled down to whether an established Land tradition, that of Baden, which had maintained its Land form since Napoleonic times, should be preserved or sacrificed for the sake of administrative efficiency and economic dynamism. By 1951, when the Bundestag and the Federal parties were called upon to take a hand, the issue had been argued out for a long enough time to make it quite evident that the crucial decision would lie in the drawing of electoral district boundaries for the referendum which was constitutionally prescribed by Article 118.[17]

Had it remained true to its earlier federalist principles, the CDU leadership in the Bundestag and cabinet should have given all-out support to the bill introduced early in 1951 to provide for a referendum on a two-district system. Many of the leading CDU parliamentarians, including Bundestag president Ehlers and the *Fraktion* chairman, von Brentano, in fact did so.[18] Had Adenauer chosen to assert his leadership to assure this pro-Baden solution, enough votes might have been forthcoming from the CDU/CSU and the various pro-federalist smaller parties to defeat the pro-fusion votes of the SPD and FDP.

[16] Protocol, CDU Landtag Fraktion, *op. cit.*, Meeting of September 12, 1950.

[17] Since it was known that the vast majority of Wuerttembergers were for the merger, while only a modest majority of Badeners—and those heavily concentrated in South Baden—were bitterly opposed, it could safely be speculated that if four referendum districts were set up, merger would be approved by varying majorities in three out of four. The creation of only two referendum areas, based on the historical Land boundaries, would have given the Baden state's-righters a chance to get a majority in both parts of Baden sufficient to block implementation of the plan.

[18] Bundestag Reports, 109th meeting, 1st session, pp. 4418 ff. For a collection of most of the pertinent debates and court arguments on this case see Mainzer Institut fuer Staatslehre und Politik, *Der Kampf um den Suedweststaat: Verhandlungen und Beschluesse der gesetzgebenden Koerperschaften des Bundes und des Bundesverfassungsgerichts* (Munich, 1952).

This leadership was not forthcoming, however, and as a result enough CDU deputies supported the pro-fusion referendum bill to assure its passage in the lower house, and to allow it to go through the Bundesrat over the bitter protests of Baden and of the other pro-federalist CDU Land leaders, whose efforts to gather sufficient support to block the measure failed in view of the position of the national party leadership. An appeal to the Constitutional Court also failed to bring relief.

During and after the referendum campaign the CDU in Baden completely disintegrated into a series of bitterly feuding camps. The uncompromising Baden patriots, backed by the Catholic clergy, launched a bitter campaign against the pro-merger groups in their own CDU Land parties and those of Wuerttemberg. One Baden CDU Cabinet minister filed a libel action against another CDU politician who had suggested publicly that his party colleague was a "traitor" for communicating with the enemy in Stuttgart.[19] A member of the CDU Northbaden Land executive hurled the charge "Klerofaschismus" against colleagues present at the same meeting.[20] Groups of Catholic clergy made written demands that certain Protestant "Suedweststaat" advocates be read out of the party.[21] The Baden federalists continued their attempts to block fusion even after the fusion measure had been duly approved in three of the four referendum districts. Leo Wohleb, the stubborn South Baden leader, put pressure on the national party by threatening the Chancellor with withholding the support of the seven South Baden CDU deputies for the government's program.[22] When this failed to move the national government, Wohleb declared firmly that although they would not boycott the new Baden-Wuerttemberg Landtag, the CDU delegates from the Baden CDU would refuse to form either a joint Land party or even a joint parliamentary group with the CDU delegates from Wuerttemberg.[23] In the ensuing Land elections for the new constituent assembly-*cum*-Landtag the CDU's showing reflected its internal dissensions and external loss of face. Its share of the votes fell to 31%, compared to 45% in the Landtag elections of 1946–7.

IV. THE BUNDESRAT CRISIS AND EDC

The disastrous outcome in the Southwest, in turn, by virtue of the federalist provisions of the Constitution, created a much advertised crisis for the government in Bonn. The outcome of the elections left the balance of power in the new Land legislature in the hands of the FDP, whose Land leader, Reinhold Maier, had been Minister-President of the former Land [North]-Wuerttemberg-

[19] See "Strafantrag" of the South Baden Finance Minister, Eckert, against the Federal deputy, Hilbert, Archive CDU Nord-Baden, Karlsruhe.

[20] Letter Landrat Schwan to CDU Land chairman Gurk, 24 December 1951, Archive CDU Nord-Baden.

[21] Letter, signed by 15 priests of the "Erzbischoeflisches Dekanat Ettlingen," to CDU Nord-Baden executive, December 19, 1951, Archive CDU Nord-Baden.

[22] *Deutsche Zeitung*, December 19, 1951.

[23] *Mannheimer Morgen*, January 14, 1952.

Baden. From Bonn the national leadership of both the CDU and the FDP attempted to exert pressure on Stuttgart to freeze out the SPD by forming a CDU-FDP government on the Bonn mode. Throughout the extended negotiations CDU organs expressed confidence that this would be brought about. In fact the federal government's *Bulletin* had, in March, loftily dismissed talk of a possible anti-government majority in the Bundesrat by pointing out that with a "pro-government" victory in Baden-Wuerttemberg the coalition majority in the upper house would remain "secure."[24] Maier however rejected the proposal to form an FDP-CDU government, pointing out that such a government would be too unstable in view of the serious dissension within the CDU; and towards the end of April, 1952. he confounded the coalition leaders in Bonn by establishing a government composed solely of FDP, SPD and Refugee Party leaders. The outraged demands from the federal FDP executive that he "clean up the situation in accordance with the policy pursued by the national party" he dismissed as "pretty meaningless."[25]

The formation of an FDP-SPD cabinet in Baden-Wuerttemberg drastically reshaped the party makeup of the Bundesrat, especially since amalgamation had done away with the safely CDU Laender governments of South Baden and South Wuerttemberg. Moreover this reshuffling came at the worst possible time for Adenauer's foreign policy plans, just a few weeks before the formal signing in Paris of the EDC treaty. There was no trouble in getting the treaties through the Bundestag, but parts of it, at least, also required the approval of the upper house, where, if Maier were to line up with the Socialist Laender, the Bonn coalition would be out-voted 20 to 18. The question whether the Bundesrat could line up with the Opposition's attempt to delay the ratification of the treaties evoked a heavy barrage of opinions from German politicians and constitutional lawyers for much of the succeeding year. The issue became involved with the exceedingly complicated series of legal maneuvers by which the various parties sought to bolster their case by appeals to the Constitutional Court.[26] For the Bundesrat, the issues involved were of special constitutional importance because some federalists argued that the Bundesrat should have the power to vote not only on those parts of the treaty dealing with tax and other questions relating to Federal-Land administration, but also on the treaties as a whole. On the outcome of this dispute hinged not only the success of Adenauer's treaty structure, but also a vital precedent determining the potential powers of the Bundesrat as an organ of federal legislation. In the crucial Bundesrat session of April 24, 1953, Maier seemed determined to follow the pressure of his SPD colleagues. On that day the upper chamber, by a vote of

[24] *Bulletin*, March 11, 1952.

[25] *UiD*, May 23, 1952.

[26] For a superb analysis of the fantastically tangled constitutional challenges which arose in the course of the EDC controversy, which were really alternative political processes running parallel to the parliamentary maneuverings, see Karl Loewenstein, "The Bonn Constitution and the European Defense Community Treaties," *Yale Law Journal*, Vol. 64, pp. 805 ff.

20 to 18, decided neither to reject nor to accept the treaties but instead to await decisions of the Constitutional Court, not only on the constitutionality of the treaties themselves—as demanded by the SPD—but also on the question whether the Bundesrat was constitutionally empowered to approve only part, or all, of the treaty complex.

This decision of the Bundesrat created a tremendous outcry among the followers of the Adenauer government. The Bavarian Minister-President, Ehard, deplored a "black day for German democracy,"[27] while CDU and FDP leaders demanded that Maier, who was also Bundesrat chairman at this time, reconvene the upper house so as to take a straightforward decision. Three weeks of intensive barrage had their effect. At the beginning of May, Maier effectively settled the political question by getting the Bundesrat to report the treaties out, as the federal government desired. It did so, however, without ever voting on the treaties themselves, or without ever saying whether or not it believed it should have the right to debate them. Instead Maier voted the five Baden-Wuerttemberg votes with those of the CDU Ministers-President only in approval of the secondary financial and legal conventions attached. As for the treaties themselves, Maier engaged in parliamentary sleight-of-hand by ruling that the treaty had passed through the upper house since no motion had been entered to the contrary. Constitutionally speaking, it was a sad retreat which left the Bundesrat with greatly lessened prestige and in a poor position later to try to assert itself on questions of national policy in future contests with the government or Bundestag. Politically speaking, the EDC spectacle had the effect of remaining all members of the Bundesrat of the dangers implicit in letting themselves become mere instruments of the national party leaderships.

V. THE BUNDESRAT ELECTIONS: THE ATTEMPT TO CREATE A "PARALLELOGRAM OF POWER"

Between 1950 and 1954 virtually all the remaining CDU-SPD Land coalitions broke up. In some instances the change in character of some of the Land parties was striking. This was particularly true of the Hessen CDU, whose chairman, Werner Hilpert, had been in 1949 one of the outspoken advocates of a CDU-SPD alliance in Bonn. His failure to achieve this did not by any means leave him and his Hessian followers ready to give up the comparatively quite successful Land coalition with the SPD, especially since local feelings between the largely Catholic CDU and the right-wing nationalist FDP were quite bitter. But even before the beginning of the 1950 Landtag campaign Hilpert was placed under strong pressure from Bonn. He received urgent letters from his Hessian party colleague, Erich Koehler, the President of the Bundestag exhorting him to "ignore difficulties with the FDP in the Landtag" and instead to "Think on the Federal plane! Great political decisions lie in the balance. We simply must create a parallelogram of power between the government coalition in the Bundestag and that in the Bundesrat."[28] When Hilpert remained un-

[27] *UiD*, May 6, 1953.

[28] Koehler Letter to Hilpert, May 16, 1950, Archive Doerpinghaus.

convinced, Koehler tried to organize an anti-Hilpert revolt within the Land party. Hilpert foiled this through clever strategy, but the resulting dissension within the party contribued to its very poor showing in the Landtag elections of November, 1950, where its vote sank to 18.8 per cent of the total. Caught in the cross-fire between the Socialists anti-rearmament campaign and pressure from Bonn, the CDU Hessen leadership was immobilized. The Socialists utilized their majority to form a one-party government, and after a year of playing an unhappy opposition role in the Landtag, Hilpert chose to resign from active party politics by accepting Adenauer's appointment to a Directorship of the Federal German Railways.

The resulting change in the leadership of the Hessian CDU had a profound effect on its policy. Hilpert's successor as Land chairman, Wilhelm Fay, was a minor official lacking pronounced convictions, and in the course of time many of the left-wing Catholic party leaders were replaced by more conservative Protestants. "It was a good omen for the new chairman's future activity," noted the Federal party's news-letter," that the first action of the Hessian CDU after his assumption of office was the formulation of an address to the Chancellor expressing unshakable confidence in his political leadership."[29] By the time of the 1953 Federal elections, the focus of the Hessian CDU was exclusively on support of the Adenauer government, although afterwards some leaders even in the national party leadership urged that this tendency not be carried too far.[30]

The following year, the leaders of the Land party prepared actively to fight the 1954 Landtag campaign in alliance, if not actually in a tactical merger, with the FDP. However, some of the more outspoken advocates of the "Hilpert line" still raised objections. To overcome this opposition, the Land leaders brought Adenauer himself to a meeting of the CDU Land Central Committee at Camberg. There the Chancellor laid down the line in no uncertain fashion. He told the Hessians that it was their task to remove the obnoxious SPD Minister-President, August Zinn, then the President of the Bundesrat. "The CDU Hessen has the task of seeing to it that a change comes about which will give the Federal government the required backing in the Bundesrat."[31]

[29] *UiD*, July 9, 1952.

[30] Thus the CDU Federal Agent Heck in *UiD*, January 9, 1954: "Just as the spirit of the Basic Law does not allow a mixing of the authorities of Bund and Laender, so similar distinctions should be maintained in elections. In the Bundestag elections Federal issues are quite rightly in the center of discussions. In the coming Landtag elections, discussion and counter-discussion should be centered about Land problems."

[31] This speech came two days before the final Bundestag reading of the constitutional amendment which the government pushed through so as to rule out any further questions about the constitutionality of the EDC treaties. At this time, due to government changes in Hamburg and Baden-Wuerttemberg , the coalition parties also controlled a two-thirds majority in the Bundesrat, where the amendment was passed in March against only scattered Socialist opposition. This success did not lessen the Chancellor's determination to "coordinate" the upper house, as the progress of the Hessen campaign shows.

In the course of this struggle, Adenauer showed at times a decided indifference to constitutional niceties. Thus when the SPD, in reference to the Hessen campaign, accused

Obediently, the Central Committee passed a resolution pledging to work for the formation of a Land government which would "guarantee and further the Federal government's great work of reconstruction, and end SPD rule." Six weeks later the CDU Land conference echoed these sentiments by declaring that "The CDU seeks for Hessen a government which will guarantee and further the great work of reconstruction of Chancellor Adenauer and the Federal government."[32]

With CDU and FDP joined in a working alliance, the bourgeois parties' campaign laid almost exlusive stress on federal issues. They were confident that since public opinion polls indicated that "58 per cent of the population supported the Chancellor's policies," they would be able to ride into Land office on his coattails. "Hessen's 'Yes' for Dr. Adenauer: that is the most important question on November 28"[33] was the way the Land chairman put it to his party workers. To clinch the campaign almost all the members of the Federal cabinet were drafted for election speeches in Hessen. Adenauer himself made four big speeches and his cabinet colleagues canvassed the smaller towns assidously. Some CDU zealots went so far as to picture the Landtag campaign as an effort to keep out Russian soldiers. "Vote for Ollenhauer—If You Want to Wear Russian Uniforms" was the slogan of a widely discussed election poster distributed by the CDU in Offenbach.[34] Even more moderate examples of CDU election propaganda carried through the election themes of exclusive stress on Federal politics. Thus the CDU jingle:

> Deine Wahl im Hessenstaat
> Zaehlt im Bonner Bundesrat
> Regierung Zinn Stuetzt Ollenhauer
> Waehlt CDU fuer Adenauer[35]

The leaders of the CDU and FDP were, however, much chagrined that the SPD would not answer in kind, but instead concentrated its campaign squarely on the record of its Land administration in Wiesbaden. Its most widely distributed campaign poster featured the picture of Zinn against the background of the Hessian Land crest. This infuriated one FDP deputy to the point of demanding the convening of a Landtag committee to see to it that the "Hessian emblem should not be misused by one party in an election campaign."[36] In the closing weeks of the campaign, however, it became increasingly clear that the SPD was gaining. Where the polls had given the SPD only 34 per cent of the

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him in the Bundestag of abusing his position by using "vicious tactics in an attack on the Land government of Hessen," Adenauer replied disingenuously that it was not the Federal Chancellor who had attacked Zinn. "I appeared at the Parteitag of the Hessen CDU not as Federal Chancellor, but as chairman of the CDU." Bundestag Reports, 2nd session, pp. 802 ff.

[32] *UiD*, April 7, 1954.

[33] *Frankfurter Neue Presse*, October 25, 1954.

[34] *Frankfurter Allgemeine Zeitung*, November 29, 1954.

[35] *Die Welt*, November 24, 1954.

[36] *Wiesbaden Kurier*, November 19, 1954.

votes in July, they indicated 39 per cent in November, and the actual election result was 42.6 per cent. Support for the CDU decreased correspondingly from 30 per cent in July to 26 per cent in the early part of the campaign, and to 24.1 per cent in the actual election.[37] Accordingly, the two "Bonn" parties, CDU and FDP, failed in their aim of winning a Landtag majority. Together they won 45 seats to the Socialists' 44. But, as so often, the key Refugee party decided to ally with the highest bidder, enabling Zinn to continue to head a Socialist-dominated Land government. Once again, despite Adenauer's tremendous prestige and the undeniable general popularity of the Federal government's policy, Hessen had decided to stay "Red." For the CDU, the ironic lesson of the campaign was pointed out by one of its own journals. "The slogans of the CDU boomeranged. The SPD succeeded—in an incident without historical parallel—in appearing to be the native Hessian party, while the CDU's fundamental commitment to federalism was forgotten."[38]

VI. CENTRALIZATION BOOMERANGS

In North-Rhine-Westphalia, meanwhile, Arnold had also belatedly fallen into line by taking the FDP into his Land government after the 1954 elections. In his post-investiture address to the Landtag he frankly admitted that "other considerations than those dealing merely with Land politics" had played a role in the formation of the coalition. He defended himself against charges that "I have undergone a 'political change of heart . . . or even, as it is picturesquely put . . . that I have lost my political face.'" But he did admit that his point of view had changed since 1950. "In Germany's present situation it seemed to me necessary and also in the interest of the Land that there appear no possible pretext for the supposition that there had been a weakening in the domestic basis of German foreign policy."[39] In reply, Steinhoff, the Socialist leader, complained bitterly of the terms put to his party for participation in the cabinet. He stated that his party had gone so far as to assure Arnold that if it were taken into the government it would make no difficulties for Arnold in the question of casting the Land's five Bundesrat votes. But this offer had been met with the impossible demand that the North-Rhine-Westphalian Socialists should buy their Land cabinet seats by persuading the SPD's Bundestag leadership to support Adenauer's foreign policy.[40]

However, soon after Arnold did his bit in Duesseldorf to assure the required "parallelogram of power," serious divergences between Adenauer and the FDP came increasingly into the open. While the FDP ministers remained on the whole loyal to the Chancellor, large elements in the party became increasingly restive in face of the prospect that continued subservience to Adenauer would reduce their party more and more to a splinter group without independent political program. The Chancellor's none too subtle attempts to interfere in the

[37] Institut fuer Demoskopie figures cited in *Frankfurter Neue Presse*, October 25, 1954.
[38] CIVIS: *Zeitschrift fuer Christlich-Demokratische Politik*, Bonn, December 1954, p. 65.
[39] North-Rhine-Westphalia Landtag Reports, July 22, 1954, pp. 14 ff.
[40] *Ibid.*, July 28, 1954, p. 18.

FDP's internal leadership problems and the presentation by the government of a proposed new electoral law which would have gone far to reduce smaller parties like the FDP to satellites of the larger party, lent substance to the rebels' argument. The party was united in its opposition to the electoral law, but could not agree on how to oppose the alleged misuse of power by the CDU majority. The anti-Adenauer majority in the FDP Bundestag *fraktion* wanted the FDP ministers to withdraw from the government, but the ministers refused to go that far. Moreover, Adenauer had shown, when faced some time before by a similar rank and file revolt inside the BHE (*Bund der Heimatvertriebenen und Entrechteten*, the Refugee Party), that he would utilize his constitutional powers to the full by keeping ministers in his cabinet even if they no longer enjoyed the confidence of their parliamentary parties. Exasperated by their inability either to move their own ministers or to harm the Chancellor's majority, the attention of the FDP rebels turned to the Duesseldorf Landtag, where a CDU Minister-President was very much dependent on FDP support. Why not, they reasoned, threaten Karl Arnold in order to bring pressure to bear on the CDU in Bonn? Since, the North-Rhine-Westphalian constitution provided, however, that the Minister-President could be removed only through a "positive no-confidence" vote, it was necessary to negotiate with the Socialists. Eager for revenge and cabinet positions, the Socialists in Duesseldorf forgot their old distrust of the FDP and eagerly fell in with the FDP rebels' plan. By the end of January, 1956, the FDP introduced a motion of no-confidence against Arnold in the North-Rhine-Westphalian Landtag which provided for an alternative SPD-FDP cabinet under the Socialist Minister-President, Steinhoff.

In the debate on the no-confidence motion, the FDP candidly admitted that its reason for introducing the motion had nothing to do with Land politics, with the North-Rhine-Westphalian CDU or with Arnold. Its spokesman, Kohlhase, assured the Landtag:

> You must really believe that we bear absolutely no animosity against the party with which we have worked up to now. . . . We especially have no animosity against you, Herr Minister-President. . . . You were not responsible for this catastrophic development.[41]

They also freely admitted that they were bringing down Arnold only because they had no other way of getting at Adenauer.

> When terrain conditions in the field hem in an Army corps so that it is immobilized, then another division which is more mobile must move in. The immobilized army corps is our Bundestag party, and the mobile division, that is our party here in the Landtag.[42]

Arnold could only reply with utmost common sense that "the battle was being fought in the wrong chamber" and that the FDP had "lost its way on the map" in failing to differentiate between Bonn and Duesseldorf. So eloquent was he that not even the SPD spokesmen could let the occasion go by without uttering some words of personal sympathy for their erstwhile cabinet colleague.

[41] *Ibid.*, February 16, 1954, p. 1016.
[42] *Ibid.*, p. 1038.

But at the same time they drove home the element of ironic retribution.

> We were kicked out of the government in 1950 . . . and in 1954 we were again not taken into it despite our readiness to participate. . . . You, Herr Minister President, probably took these decisions against your own will and your own convictions. You gave way to the wishes of Bonn. . . . You made your decision and you are now getting paid back for it. . . . Then you threw us out of the coalition because of the desires of Bonn; now we have based our motion calling for your demission again on the relationships in Bonn. In 1954 your party went into the Landtag campaign with the motto "With Arnold for Adenauer." . . . You can't complain now if we ask for your demission because of Adenauer's policies.[43]

What happened in North-Rhine-Westphalia was an extreme kind of reversal. Elsewhere, other Land governments bearing the "made in Bonn" label proved not much more stable. At the time of the formation of the Lower Saxon government in 1955, for instance, "the decisive part of the party discussion did not even take place in Hannover, but in Bonn; it was there that the coalition between CDU, DP and BHE was hammered out long before the first session of the new Landtag. And the name of the deputy who was to replace the Federal Minister who was slated to take over the Land Minister-Presidency was being discussed several weeks before the change actually took place."[44] Heinrich Hellwege's government there was able to maintain itself even after the FDP broke out of the parent coalition in Bonn, but increasingly the smaller parties cast about restlessly in an effort to counter each other as well as the CDU. When, at the beginning of 1957, there was talk that the FDP would coalesce on a Land basis with the extreme right-wing DRP, the imminent prospect that artificial Land coalitions would create scandals, which would embarass not only the Federal CDU nationally but also the Federal government internationally, threatened to become real. Already embarassed by the fact that his government had begun in the shadow of the "Schlueter affair" in which the appointment of a crypto-Nazi FDP Culture minister had aroused nationwide protests, Hellwege hastily dismissed the FDP and BHE ministers—and took in the SPD instead. Thus have some "coordination" attempts run full circle.

In the third series of Landtag elections, presently taking place, attempts at coordination seem if anything to have become stronger than ever. Adenauer was reported determined to emerge from the North-Rhine Westphalia election of July 1958 with a clear re-affirmation of his Federal policies.[44a] Arnold had fallen in completely with the campaign style, and it was a symbolic tragedy that he died only a few days before the voters went to the polls. As things went, his dramatic death was believed to have contributed to the CDU victory, which won the party an absolute Landtag majority on the basis of a vote percentage (50.5%) that came within four percent of reaching the mark of the 1957 Federal elections. But normally sympathetic observers bitterly criticized the CDU for brushing aside all principles in order to "deliberately screw up the tone of the campaign into the realm of the bombastic . . . in a cold, calculated at-

[43] *Ibid.*, p. 1016.
[44] *Der Merkur*, 1956, p. 270.
[44a] *Neue Zuercher Zeitung*, June 29, 1958.

tempt to employ fear to drive the voters to the polls." While also chiding the SPD for its considerably less whole-hearted attempt to fight the election on the issue of "atomic death," the *Neue Zuercher Zeitung* correspondent felt called upon to blame the CDU for registering "a new low point for the cause of federalism," and for "causing the most disturbing distortion of an electoral decision ever to have occurred in post-war Germany."[44b] Shortly after the elections, Gerhard Schroeder, the Federal Minister of the Interior, made public a proposal to radically change the present election calendar in order to have all Land elections fall on one or two dates. He said his plan did not constitute "Gleichschaltung—nur ein geordnetes Rhythmus der Wahlen."[44c] Federalists who were aware that the Minister's officials were preparing yet other attacks on Laender prerogatives must have been extremely dubious.

VII. THE BUNDESRAT AND THE CONSTITUTION

How have these developments affected the political and constitutional role of the Bundesrat? Although the political functioning of the second chamber has been given very little attention in political science literature,[45] various signs indicate that the Bundesrat learned some lessons from the EDC fiasco. After receiving so much criticism, not only in regard to its political leadership but also on the handling of its own rules of procedure,[46] the Bundesrat seemed to become acutely aware of the disaster it had courted by letting itself become involved to such a degree in national party conflicts. The reaction of the "Bundesrat organism"[47] has been to grope for safer relationships. Increasingly the emphasis has been on defining the chamber's role in such a way as to avoid possible head-on political conflicts with the government or lower house. Indeed this reaction is carried to the point where the upper chamber sometimes seems to be acting as though it were above party politics altogether, as though it were deliberately trying to avoid discussing controversial issues in a way related to the party positions. In this tendency, the Bundesrat is influenced by its strongly bureaucratic character, by the large role which Land officials play in its proceedings—which is partly due to the fact that the Bundesrat members are Land ministers who usually give only a small portion of their energies to their duties in Bonn.

[44b] *Neue Zuercher Zeitung*, July 6, 1958.

[44c] *Frankfurter Allgemeine Zeitung*, July 15, 1958.

[45] Although discussed briefly in various general volumes such as Eschenburg's, the upper house has been the subject of only one published study, a highly legal and technical one, Hans Schaefer, *Der Bundesrat* (Berlin-Cologne, 1955).

[46] "One cannot get around having to remark," notes Muench, "that the Bundesrat President treated the questions of procedure in a rather light-hearted manner." *Archiv. d. oeffentl. Rechts.* Vol. 80 (Tuebingen, 1955), p. 241.

[47] (In the Bundesrat) " . . . there is in process of growth a tight little world of its own, a tight and separate Bundesrat organism in which the permanent and changing emisaries of the Land Ministries are in their own metier, a world of a bureaucracy with its own laws." Werner Weber, *Spannungen und Kraefte im Westdeutschen Verfassungssystem* (Stuttgart, 1951), p. 91.

Available statistics seem to suggest that the Land ministers themselves have been paying less and less attention to using their various prerogatives of participating in the Federal decision-making process. For one thing, the Bundesrat has been making increasingly rare use of its constitutional right to initiate legislation. On the average it initiated only about half as many bills annually from 1955 to 1957 as during the preceding four years. Similarly it has been increasingly chary of using its rights to invoke either the suspensive or absolute veto. No suspensive vetoes at all were exercised in the three years 1955–57, and the number of outright vetoes have been much fewer. Most indicative, perhaps, of the routine character of most of the Bundesrat's work lately, is the rather sharp decrease in the number of Bundesrat meetings, both plenary and committee: in recent years it has held not much more than half the average number of meetings which it used to hold annually during the early years of the Bonn Government.[48] This change, as well as others, can be explained only to a very small extent by the decrease in the total amount of legislation. On the whole, it seems that the Bundesrat has itself scaled down its own political role. Recently it has carried on something of an independent campaign to stem "the flood of legislation" and to concentrate governmental efforts more on problems of administrative reform. It seems to conceive of itself as having more of a mediating function. Increasingly the tendency has been for the Bundesrat to try to bring about amendments in the privacy of the inter-chamber conference committee. There, especially, much of the management is in the hands of civil servants who naturally steer the discussions in such a way as to avoid unpleasant clashes of viewpoint, and to ensure, as one of them has put it, "eine segensreiche und fruchtbare Arbeit."[49] This is made possible by the fact that "time and again the will to achieve a mutual agreement overcomes all differences of opinions, however deep-seated." By the same

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TABLE I. SOME INDICES OF BUNDESRAT ACTIVITY, 1950–58*

	'50–51	'51–52	'52–53	'53–54	'54–55	'55–56	'56–57	'57–58
Total No. of bills introduced in Parliament	284	295	292	279	222	251	312	240
No. initiated in the Bundesrat	6	7	11	8	3	5	4	1
No. of meetings								
Plenary	35	30	25	16	18	18	18	17
Committee	269	401	220	133	131	157	176	45

* Annual computations starting April 1 of each year.

Source: *Statistik: Aus der Arbeit des Bundesrates*, Bonn, 1957. Individual Bundesrat plenary sessions tend, on average, to last between one and one-half and two hours. Hence the Bundesrat is a plenary session about thirty hours a year.

[49] Dr. Walter Dehm, "Vermittlungsausschuss als Schlichter," *Parlament*, January 22, 1958, p. 8.

token, the manner in which most of the participants in Bundesrat affairs have tried valiantly to skirt party-line issues is borne out by the fact that it has become quite routine even for Socialist Bundesrat presidents to pledge "harmonious and loyal cooperation with the Bundestag and Federal government"[50] at the very time when their party colleagues in the lower chamber are engaged in full-scale attacks on the Cabinet's policies. Such policies may ensure smooth functioning of legislative machinery and ensure the upper chamber against any overt attacks on its latent constitutional powers, but they are hardly contributions to the effective anchoring of federalist principles in the German political tradition.

VIII. CONCLUSIONS

CDU Policy. Although entering into control of the Federal government with a record of explicit support for federalist programs, the CDU soon began to show signs of charting a more centralist course. To an extent this was an inevitable result of Chancellor Adenauer's efforts to create a strong central government. But two factors accentuated this development. One was his attempt to assert his own authority *vis-a-vis* the more independent Land leaders of his own party; the other was what appeared to be the need to establish a "parallelogram of power" between the two houses of parliament. For the CDU, the move away from distinctly federalist attitudes brought some advantages. It allowed the party leadership to weld the previously heterogeneous Land organizations into more of a united whole. It established a fairly clear party hierarchy. It allowed the party to focus electoral campaigns on the dynamic figure of its leader. But the move to accept centralist tendencies as a matter of course, both in the party and the state, also brought disadvantages. It raised questions as to the party's adherence to principle. The attempt to resort to centralist solutions also created severe stresses within the party membership, between Catholics and Protestants (Baden) and between the more conservative and the more socially oriented portions of the party (North-Rhine-Westphalia). In some Land campaigns the CDU's emphasis on national policies actually allowed the Socialists to appear as the champions of land interests (Hessen). Elsewhere the efforts to duplicate the "Bonn model" in Laender coalitions caused party leaders to attempt Laender coalition governments whose inherent instability (Lower Saxony) or extreme sensitivity to changes in Bonn politics (North-Rhine-Westphalia) proved eventually to be more liabilities than assets to the national CDU leadership.

The Party System. Adenauer, like few other politicians in German history, has been able to combine leadership of his party with real leadership of the government. Inevitably this has meant that the Chancellor has projected his political influence beyond the circle of his party. In the case of smaller parties of the original coalition, this produced a situation in which these parties were increasingly forced to fight elections under his name, thus giving open recogni-

[50] Herr Willy Brandt, in Bundesrat address of December 1957, *Parlament*, December 31, 1957, p. 2.

tion to the fact that they were losing their independence of policy. On the other hand, the opposition Socialists were also forced to focus their policy on the Chancellor. The Chancellor replied to their bitter attacks with attempts to force them out of all positions of responsibility, especially in the Land governments. Increasingly, this sharp polarization created strong tensions for various groups in all parties.

One by one, the smaller coalition partners sought to save the remnants of their independence by a determination to escape the Chancellor's control at almost any price. The Socialists, in turn, sought to fight back by becoming as eclectic as the CDU in choosing their coalition partners on the Land level. On one plane, that of the Bundestag, Adenauer's dynamic appeal to the country caused the CDU to become strong enough to meet these simultaneous attacks from the Socialists and the smaller right-wing parties. But on the Land level, the CDU's power did not grow as rapidly. It proved difficult to project Adenauer's appeal sufficiently to ensure similar victories for the CDU Land parties. Also, on this level the schizoid characteristics of the party itself have come more to the fore. Loyalty to its national leader evoked a generally centralist orientation regarding policy, while at the same time many parts of the party remained federalistically inclined by virtue of traditions, and differing regional and confessional interests. The resultant ambiguity of CDU positions, the defections of the FDP and BHE, the frantic scurryings of the minor regional parties, and the increased opportunism of the SPD, have all contributed to producing extreme instability in the party political relationships in many of the Laender. The Federal CDU leadership has in effect fostered power in Bonn at the cost of stability in the Laender.

The Laender. The political power of the Laender units within the federal system has undergone a gradual process of attrition as the national government grew in strength. The important decision in the Southwest State issue implicitly undercut the federalists' political position. The development of administrative "coordination" between Federal and Laender bureaucracies has limited the Laender governments' independence in the decision-making process even in regard to those areas reserved to them by the Basic Law.[51] Politically, the prestige of Land governments and ministers has receded in relation to Bonn. Where, in 1949, an astute observer could state that the Land leaders were "men of the greatest political experience . . . in some cases, men of stature almost equal to that of the Chancellor,"[52] developments since then have greatly widened the gap between the political prestige of Federal and Land leaders, at least in the CDU. In a variety of ways, the national party leaderships have established their influence over Land governments. In some cases party pressure was brought to bear to prevent Land Ministers from utilizing their full constitutional powers (North-Rhine-Westphalia). In other cases Land coalition

[51] Arnold Koettgen, "Der Einfluss des Bundes auf die dt. Verwaltung," *Archiv d. oeffentl. Rechts*, Vol. 3 (Tuebingen, 1954), pp. 68 ff.

[52] James K. Pollock, "The First Year of the Bonn Government," *Journal of Politics*, Vol. 13 (1951), p. 19.

agreements were openly hammered out in Bonn (Lower Saxony). Elsewhere Landtag elections have frequently become indirect plebiscites on national policy. Evidence largely bears out the conclusion that, although the various Laender are constitutionally supposed to participate in the central government's formation of policies, the organizational structure is such that it is in fact their own policies which are subject to heavy centralist influence. These developments have increasingly tended to blur the lines of political responsibility.

The Federal System. The original federalist expectations, held by groups like the Ellwanger Kreis and in certain Allied quarters, that the formation of a upper chamber on the Bundesrat principle would ensure a continuous, viable constitutional check on the centralistic tendencies of the party leaders have proved largely illusory. The dynamics of the situation did not allow the establishment of the sort of equilibrium at first envisioned. Partly this was due to "the hard facts of economic life," which "forced the Germans to give up inveterate Land egotism."[53] Partly it was due to the strong leadership of the federal government, which chose to assert itself on questions of foreign policy, an area in which the Laender's claim to help shape Federal policy was least convincing. The extremely bad management of the Bundesrat's position in the case of the EDC treaties contributed greatly toward weakening the Bundesrat's claim to play an effective role in the formation of broad Federal policies not directly related to Bund-Land affairs. The tendency for Bundesrat matters to be handled increasingly by bureaucrats has sharpened that body's tendency to lean in the direction of caution when interpreting its political role, while the dominance of a disciplined majority party in the lower house has apparently allowed Land ministers of all party affiliations to accept this attitude. It appears that within the framework of the Federal government, the Bundesrat in recent years has contributed relatively little toward maintaining a balance between the legislative and the executive, especially in the field of legislation. Notwithstanding a strong German reaction against the extreme centralization of the Hitler regime, federalism in Germany is the victim of the widely prevalent tendency toward contradiction between "constitutional attempts to provide federal structures," and the "centralizing tendencies of social reality."[54] Certainly, at crucial junctures, German federalism was not sufficiently protected from its avowed friends. The viability of the present arrangement is largely dependent on the maintenance of a stable and strong executive. But it must be recognized that a good deal of the rationalization which has made possible the present stability (in the political as in the socio-economic sphere) has been achieved at the cost of weakening the federalist element of the constitution. If ever succeeding Federal governments were to lose control of reliable majorities in the Bundestag, there is a real question whether the Laender and the Bundesrat would be politically prepared to assume the constitutional powers which might devolve on them in emergency situations.

[53] Loewenstein, *Political Power*, *op. cit.*, p. 305.

[54] Otto Kirchheimer, "The Decline of Intra-State Federalism in Western Europe," *World Politics*, Vol. 3, (1951), p. 297.

COMMUNICATIONS

ON DR. WITTFOGEL'S REPLY TO MY REVIEW

My critical attitude towards Dr. Wittfogel's *Oriental Despotism* has, I can assure him, nothing to do with his criticism of my notions. I did not come across the passage dealing with these till I had read the greater part of the book and had formed an opinion about it that was confirmed by reading the rest. His passing criticism of my work struck me as being very fairly and courteously put. I did not, and do not, resent it. In the argument of his book, with which I have taken issue, this incidental reference to me plays a very minor part.

After reading Dr. Wittfogel's reply, I still think that he has not brought forward any serious evidence that the spirit and methods of despotism in Russia since the Mongol conquest are of Chinese origin. This hypothesis of his is not proved true by the fact that the Mongols had conquered Northern China just before they conquered Russia. It is true that those Mongol conquerors who settled in the domains of conquered sedentary civilizations did eventually become converts to those civilizations. This happened to the Mongols who settled in China, in the Oxus-Jaxartes basin, and in Persia. But the process took two or three generations, reckoning from the date of migration from the steppe into an agricultural and urban environment; and the seat of government of the Mongol Great Khans was not moved from what is now Outer Mongolia on to Chinese ground till a generation after Batu's conquest of Russia. We have two Western accounts of the Great Khan's court at Qaraqorum during the intervening period. One of these two Western visitors, William of Rubruck, was a first-rate observer. The way of life at Qaraqorum in the mid-thirteenth century, as described by him and by Father John of Piano Carpini, is not Chinese; it is the traditional culture of the Central Asian nomads. Those Mongols who never left the steppe—and Batu's 'Golden Horde' never left it—continued to lead the nomadic way of life till they were eventually exterminated or subjugated by their non-nomadic neighbours. None of Batu's followers on his long westward trek from Mongolia had ever settled in China or tried to govern it. At the most, some of them have taken part in Mongol raids into Chinese territory. If there were evidence that they conveyed a Chinese system of government to Russia, it would be surprising. In the absence of evidence, the hypothesis is surely unconvincing.

This unsubstantiated hypothesis is a crucial link in Dr. Wittfogel's chain of argument. But the feature of the book that seems to me really regrettable is not any failure to prove a thesis about a matter of fact. What I deplore is his suggestion that 'total power' is an evil of Oriental origin. The worst examples of total power known up to date are the National-Socialist regime in Germany and the Communist regime in Russia. Both Communism and National Socialism are Western products. If we Westerners ascribe their paternity to 'the Orient,' we may deceive ourselves, but we shall not deceive the rest of the world. In our time, the West finds itself confronted with a choice between vol-

untarily giving up its recent ascendancy over the rest of the world and drawing on itself a formidable counter-attack by the majority of the human race. In this serious situation, we Westerners cannot afford to indulge in self-deception and self-righteousness. Salvation, for us Westerners to-day, lies in taking to heart the parable of the mote and the beam. But Dr. Wittfogel writes about 'the Orient' rather as the Pharisee spoke to God about the publican. If the West persists in being pharisaical, it will go under. For this reason I am perturbed when a great Western scholar uses his immense learning to bolster up the old Greek and Western legend that despotism is something specifically Oriental and freedom something specifically Greek or Western. This legend is, and always has been, untrue to the facts. Our regard for the truth ought to be enough, in itself, to make us see through the legend and reject it. But to-day there is a second powerful incentive for us to face the facts. Our survival is at stake. We cling to this misleading legend at our peril.

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ON ROBERT DAHL'S "IMPORTANT QUESTIONS"

TO THE EDITOR:

In his rejoinder to a criticism of his *A Preface to Democratic Theory*, Professor Dahl argues that there is a "tremendous number of important questions in political science the answers to which are patently and unarguably independent of ethical considerations" (this REVIEW, Vol. 51 [December, 1957], p. 1060). He offers as his principal example: " . . . the truth or falsity of the proposition, 'The Supreme Court has not protected intense minorities against apathetic national majorities,' is not in any way dependent on whether I regard such protection as good or bad or upon answers to such questions as, 'What is a good man?' and, 'How ought men to live together?' " This example is not altogether convincing; in fact, the answer to his question seems, on reflection, to be patently and inescapably *dependent* on ethical considerations, which means, finally, dependent on the answer to the question, "What is a good man?" It is precisely because such considerations *are* involved that Professor Dahl's example is, in his phrase, one of the "important questions in political science."

Let us explore the problems of investigating the "truth or falsity of the proposition." We are confronted at the outset with the ambiguity of the expression, "has not protected intense minorities." Protected what from what? Disputes between minorities and majorities are not arbitrated by the Supreme Court; this is not the business of the Supreme Court. What are sometimes described as group conflicts involve, typically, individual litigants who come before the Court to assert a legal right under the Constitution or laws to engage in a particular activity—in this case, an activity engaged in by others constituting a group; or who assert that they (and others like them) are being denied a right protected by the Constitution or laws. The Court can protect an intense minority only by ruling in favor of the rights claimed (under, for example, the

First and Fourteenth Amendments) by such a litigant. Professor Dahl's statement therefore ought strictly to be reformulated to read: The Supreme Court has not protected the *rights* of litigants representing an intense minority when this minority is in conflict with an apathetic majority over their respective rights; or, in order to retain as much of the original statement as possible, let us reformulate it to read: The Supreme Court has not protected the *interests* of or the *rights* of intense minorities against apathetic national majorities. This reformulation is necessary, and is implicit in the original statement, because the Supreme Court cannot protect a minority; it can at most protect a right (or an interest) claimed by a minority.

One intense minority whose interests (whose rights under the First and Fourteenth Amendments) have often been adjudicated by the Supreme Court is the Jehovah's Witnesses. What are these interests? After reading the cases decided by the Court, as well as those the Court has refused to review, we could compile a body of statistics showing how often the Court has ruled in favor of the Witnesses and how often it has ruled against them. Would these statistics tell us whether the Court has protected the interests of this intense minority? They would tell us that the Court has or has not protected the interests of this minority *only* as these interests were defined and asserted by some members of (spokesmen for?) the minority itself. But may the political scientist take the word of the Jehovah's Witnesses as to whether their interests have been protected, any more than the judge may take the word of a lunatic who asserts an interest in terrifying school children? Is it not possible that the Witnesses, being intense, have an exaggerated or distorted notion of their interests? They may claim that their interests are not being protected when a member of the apathetic majority would argue that they had been over-protected. In other words, evidence of the protection afforded the interests of the Jehovah's Witnesses is controversial; it needs to be evaluated. So the question: are the interests of the minority being protected? inevitably then becomes: are the interests of the minority being protected as they *deserve* to be protected? But this depends on ethical considerations.

Suppose that the Jehovah's Witnesses had lost every Supreme Court case they have been involved in. Without evaluating the claims made by the Witnesses in these cases, one might suppose that the Supreme Court had never protected the interests of this intense minority. But to do so would be grossly misleading. Someone unfamiliar with the situation might then conclude that the United States deals with the Witnesses as South Africa deals with the interests of its colored population. He would accordingly be surprised to learn that the Witnesses' right to organize and to worship as they please (except when this worship takes the form of foul-mouthed denunciations of other beliefs) has not been denied; he would be surprised to learn that Witnesses may still claim deductions on their income taxes for their contributions to their church, that they may still live where they please, that they are still entitled to police protection, that they may still openly seek communicants, and so on. He would have to be told that it is only some of the interests of the Witnesses

that have gone unprotected. In other words, to answer our question intelligently, accurately, we would be forced to decide which of this minority's interests deserve to be protected; we would be forced to wonder whether, for example, all of them of military age are entitled to draft exemption and whether their interest in denouncing the Catholic Church as a "whore" deserves to be protected. So, whether Professor Dahl can answer his question independently of ethical considerations depends on how he defines protection. I do not see how the political scientist can merely accept the group's definition of the protection its interests deserve.

Being unable to accept the group's definition, the political scientist must provide his own definition. If he selects a definition arbitrarily, his conclusions are of no interest except by chance. He must strive for a reasonable definition. But a definition of protection is reasonable only insofar as it distinguishes between deserving and undeserving interests. If his definition of the interests deserving protection should extend to a terrorist's interest in assassinating the President, he would, I trust, have some difficulty in getting his research published.

It is not necessary to rely on the example of assassins to illustrate the problems inherent in the investigation of Professor Dahl's proposition. Is there not a decisive difference in the character of the interests of intense minorities? The NAACP represents a minority, the Negroes, whose distinguishing characteristic is complexion of the skin, while the Communist Party, for example, is a minority on the basis of opinion. Is a minority by opinion in the same situation before the Court as a minority by complexion, *i.e.*, a minority for reasons having nothing to do with anything believed (or even sought) by its members? The interest of the minority by opinion, the Communists, is in overcoming the opinion and hence the essential principle of the majority; whereas the interest of the minority by complexion is to achieve the same rights to life, property and respect as the majority possesses. It is not a minority by virtue of its goals. Merely to present statistics on the number of occasions when the Supreme Court has or has not protected the claimed interests of these two intense minorities is likely to conceal more than it reveals. To deny equal rights to a group solely on the irrelevant basis of complexion is manifestly unjust. But to deny the interest of the minority by opinion to overcome the opinion, hence the essential principle, of the majority, is not *manifestly* unjust.

The questions presented to the Supreme Court in these two examples are different kinds of questions; they are different because of the difference in the character of the interests involved. A finding that the Supreme Court has or has not protected the interests of the one intense minority means something quite different from a finding that the Supreme Court has or has not protected the interests of the other intense minority. The political scientist should be aware of this difference and incorporate it in his presentation of the results of his research. But the difference has to do with the protection these interests deserve.

I do not deny that the political scientist might count the occasions on which the Supreme Court has ruled in favor of an intense minority, and that he can

do this without evaluating the justice of the minority's claim. But if the political scientist wants to say something meaningful about the Supreme Court and intense minorities, he is going to have to evaluate the justice of the minorities' claims—and in doing so, define justice as giving everyone what he deserves. What a man deserves is, of course, an ethical question.

My argument could have been stated as follows. There are questions (though Professor Dahl's is not one of them) very remote from the ethical question of how men ought to live together, but such questions are not likely to be of great importance for political *life*. If it is asserted that nevertheless these questions are of great importance for political *science*, it would be necessary to wonder about the character of such a political science.

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BIBLIOGRAPHICAL ARTICLE

LOCAL GOVERNMENT IN THE NETHERLANDS*

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Most writing on local government in The Netherlands is highly legalistic; only in recent years, for the most part in periodicals, have materials of any other type begun to appear. The best brief summaries in English may be found in an article by P. J. Oud, "The Burgomaster in Holland" (*Public Administration*, Summer, 1953, pp. 103–116), the coverage of which is broader than the title implies, and a mimeographed publication of the Union of Netherlands Municipalities, *The Position of the Municipalities in the Netherlands within the General Structure of the State* (Den Haag, 1953). An English translation of the constitution of The Netherlands is in process.

The only comprehensive history, which carries the story up to the time of the depression of the 1930's, is D. Kooiman, *De Nederlandse Gemeente in de Negentiende en Twintigste Eeuw* (Alphen a/d Rijn, Samson, 1932). A. Buriks, *Inleiding tot het Gemeenterecht* (2 vols., Alphen a/d Rijn, Samson, 1955), a recent textbook on municipal law, has a good introductory chapter on the history of local government. Although now rather out of date, the most thorough treatment is *De Nederlandse Gemeente* (3 vols., Zwolle, Tjeenk Willink, 1921–23), by the distinguished authority, G. A. van Poelje, who later published a valuable series of essays on municipal law and administration, *Korte Opstellen over Gemeenterecht en Gemeentebeleid* (2 vols., Alphen a/d Rijn, Samson, 1934).

One of the most highly regarded commentaries on municipal law is J. Oppenheim and C. W. van der Pot, *Het Nederlandse Gemeenterecht* (Haarlem, Bohn, 1928—supplement 1932). Other useful general works on this subject include J. W. A. C. van Loenen, *De Gemeentewet en haar Toepassing* (Alphen a/d Rijn, Samson, 1934—supplement 1938), A. Zadel and F. A. Helmstrijd, *Beknopt Leerboek voor het Gemeenterecht* (Alphen a/d Rijn, Samson, 1957), a clear and relatively simple treatment, and P. J. Oud, *Handboek voor het Nederlands Gemeenterecht* (Zwolle, Tjeenk Willink, 1956), an excellent detailed guide to municipal law and practice written by the distinguished former burgomaster of Rotterdam, currently leader of the Liberal Party in the Dutch parliament and president of the International Union of Local Authorities. Two handbooks on the constitutional and political structure of The Netherlands contain sections on local government: R. Kranenburg, *Het Nederlandse Staatsrecht* (Haarlem, Tjeenk Willink, 1951), and C. W. van der Pot, *Handboek van het Nederlandse Staatsrecht* (Zwolle, Tjeenk Willink, 1957).

The basic law concerning local government is still the Municipal Act of 1851.

* A bibliographical article edited by Harold Zink has covered material on local government in France, Italy, Western Germany, Sweden, Denmark, Latin America, the Near East, the Philippines, and Japan: "Selected Materials for a Comparative Study of Local Government," this REVIEW, Vol. 50, pp. 1107–1133 (December, 1956).—[ED.]

This act, plus all amendments, related acts, judicial interpretations, and relevant circulars of the Ministry of Home Affairs, may be found in J. Bool, *Gemeentewet* (Zwolle, Tjeenk Willink, 1955). P. J. Oud has a careful commentary on the text of the act and amendments, *De Gemeentewet Volgens de Tekst Geldende op 1 September 1955* (Zwolle, Tjeenk Willink, 1955), and the Union of Netherlands Municipalities has published a series of analytical essays by several experts, *Gedenkboek Gemeentewet 1851–1951* (Den Haag, 1951).

Although it contains a few technical errors, J. Gobernik and M. Kahane, *Report on Public Administration in The Netherlands* (Haifa, Israel, 1952), a mimeographed report to the Technical Assistance Administration of the United Nations by two Israeli officials who were holders of UN fellowships, is useful especially on intergovernmental relations. I. Gadourek, *A Dutch Community: Social and Cultural Structure and Process in a Bulb-Growing Region in The Netherlands* (Leiden, Nederlands Instituut voor Praeventive Geneeskunde, 1956) is a sociological study of the small municipality of Sassenheim, containing a number of interesting observations on local political organization and political attitudes of the population.

A general book dealing with the position of the municipality in Dutch society is *De Gemeente en het Maatschappelijke Werk* (Alphen a/d Rijn, Samson, 1951), which contains a series of articles on the various functional services of municipal governments. The best book on public utilities and other municipal enterprises is D. Simons, *Gemeentebedrijven* (Alphen a/d Rijn, Samson, 1939).

Problems of metropolitan areas are discussed in two International Union of Local Authorities publications, *The Large Town and the Small Municipality* (Den Haag, 1953) and *Problems of Expanding Towns* (Den Haag, 1957). See also *Municipal Development Plans in The Netherlands* (Den Haag, Netherlands Government Information Service, 1953). A royal commission study and recommendations concerning administrative organization of the large cities (by the de Quay commission, created in 1951) is reported in *Verslag van de Staatscommissie Bestuurvorm Grote Gemeenten* (Den Haag, 1955). A subject of particular interest at present is inter-municipal cooperation, accomplished primarily through the creation of special purpose bodies. Books on this subject are: J. S. Haspels and H. H. Douma, *Wet Gemeenschappelijke Regeling* (IJmuiden, Vermande Zonen, 1951), a commentary on the act of 1951 on inter-municipal bodies, and J. Bulthuis, *Samenwerking van Gemeenten* (Utrecht, Kemink en Zoon, 1957).

There is an interesting comparison of Dutch and Belgian municipal law in M.P.A. Meissen, *Vergelijking van Belgisch en Nederlands Gemeenterecht* (Alphen a/d Rijn, Samson, 1954). A recent doctoral dissertation by A. A. Bosschaert, *De Burgemeester in België en Nederland* (Alphen a/d Rijn, Samson, 1958) deals with the Belgian and Netherlands burgomaster. A comparison of Dutch and German local government is contained in A. J. Romijn, *Autonomie en Zelfbestuur* (Alphen a/d Rijn, Samson, 1946). Philip Kjeld provides a different type of comparative study in *Division of Work between the Central and Local Govern-*

ments in Norway, Sweden, England and Wales, and Holland (Cambridge, Harvard Graduate School of Public Administration, 1948).

The best and most comprehensive work dealing with municipal finance is J. H. Leppink, *De Gemeentefinancien* (Alphen a/d Rijn, Samson, 1954). More limited but accurate and useful treatments may be found in the Netherlands section of *Local Government Finance and Its Importance for Local Autonomy* (Den Haag, International Union of Local Authorities, 1955) and in E. B. Wistrich, *Local Revenues in Eleven Other Countries* (mimeo., London, Royal Institute of Public Affairs, 1956). On the handling of grants see also *Administration au Moyen de Subventions*, published by the Institut Neerlandais des Sciences Administratives (Den Haag, 1953). An extensive study with recommendations concerning financial relationships between the national and local governments is reported in the Oud Commission report, *Financiele Verhouding Tussen Rijk en Gemeenten voor de Jaren 1953–54–55: Rapport Commissie i.z. het Herstel van de Financiele Zelfstandigheid van Gemeenten en Provincien* (Den Haag, 1952). The Central Bureau of Statistics in The Hague publishes local government financial statistics in an irregular publication entitled *Statistiek der Gemeentefinancien.*

For up-to-the-minute information there is a semi-weekly paper, *Officiele Bekendmakingen*, published by the Union of Netherlands Municipalities (Vereniging van Nederlandse Gemeenten), which covers statutes, interpretations in the parliament, cabinet resolutions, actions of the Ministry of Home Affairs, etc. The annual reports of the Union (*Jaarverslag van de Vereniging van Nederlandse Gemeenten*) often contain some materials of general interest, as do the reports of the various larger cities.

The most useful periodicals include: *De Nederlandse Gemeente*, published weekly by the Union and designed for municipal officials; *Bestuurs Wetenschappen*, a bi-monthly magazine of the Union dealing with the general field of public administration and administrative law and emphasizing local government; *De Gemeentestem*, a weekly covering local government affairs generally; *Tijdschrift voor Overheids-Administratie*, a weekly concentrating on administrative management; *Gemeente Financien*, a Union monthly dealing with contemporary financial problems; *De Gemeenteraad*, bi-weekly organ of the Catholic Peoples Party (K.V.P.); *De Gemeente*, monthly organ of the Labor Party (P. v. d. A.); *De Magistratuur*, monthly organ of the Anti-Revolutionary Party (A.R.P.); *Gemeentebeleid*, monthly organ of the Christian Historical Union Party (C.H.U.); *Vrijheid en Demokratie*, monthly organ of the Liberal Party (V.V.D.); and *Weekblad voor de Nederlandse Bond van Gemeente-ambtenaren*, weekly organ of the association of local officials.

The most valuable general bibliographies (both published by the Union of Netherlands Municipalities) are *Gids Betreffende Nederlandse Literatuur en Jurisprudentie Inzake Gemeentebeheer en -Administratie* and *Catalogus van de Bibliotheek der Vereniging van Nederlandse Gemeenten.*

BOOK REVIEWS

The Republican Era, 1869–1901: A Study in Administrative History. By Leonard D. White with the assistance of Jean Schneider. (New York: The Macmillan Company. 1958. Pp. ix, 406. $6.00.)

Given sufficient time, a self-governing people will tend to adapt the administration of its public affairs to the prevailing consensus regarding the ends and means of government. When a nation, hitherto governed by a relatively select few, comes to be governed by a heterogeneous many, the consensus regarding the objectives and procedures of government is likely to change. With that change come also consequent changes in the administration of public affairs. The process of change and adaptation is often characterized by excesses, failures, false starts, and confusion of objectives. Ultimately a new synthesis of values, purposes, institutions, and procedures may be achieved. This synthesis in the long run requires both practical adjustment and theoretical justification. In ideological revolutions, the justifying theory has usually preceded the practical event. In an evolutionary development such as the democratization of American government during the nineteenth century pragmatic adjustments may follow from a variety of theoretical reasonings not necessarily consistent with one another. The synthesis of theories and practices in the American experience has taken place over many years and is indeed still going on.

This process of civic development in the national experience of the people of the United States is the unifying and continuing theme of Leonard D. White's four studies in administrative history. They are studies in public-administration broadly conceived, revealing the kaleidoscopic patterns of persistence and change that progressively evolved in the public life of the nation during its first century of effective self-government. Published in the following order, these studies are: *The Federalists*, 1789–1801 (1948); *The Jeffersonians*, 1801–1829 (1951); *The Jacksonians*, 1829–1861 (1954); *The Republican Era*, 1869–1901 (1958). Chronologically, they carry the administrative history of the United States government from the first inauguration of George Washington as President in 1789 to the beginning of Theodore Roosevelt's administration in 1901. The period of the Civil War and the first years of reconstruction, 1861–1868, was not included for several reasons. This period has been more intensively studied than preceding or succeeding decades, and the war and reconstruction do not appear to have altered the main trends in American public administration. In White's judgment the time and effort required to work through the mass of materials relating to the administration of the national government during the Civil War would have yielded less to scholarship than if applied to the decades of *The Republican Era* that followed. An administrative history of the era of the Civil War may yet prove rewarding but, within the context of his own work, White's judgment was surely correct.

Each of the four studies depicts and interprets the course of administrative experience in a distinctive period of national political development. Each of

the volumes is a work of historical scholarship independent of the others. They were nevertheless projected and written as a series and their larger significance lies in the evolutionary development that they reveal. *The Republican Era*, most particularly, gains in meaning as it is related to the substance of the preceding studies.

The focus of Leonard White's studies is upon administration of the national government. Federal-state relations in the first century of national experience were primarily of a political or constitutional nature in the narrower sense. Two separate and autonomous systems of public administration existed side by side—the national and the state. Under this arrangement, which White has termed "administrative dualism," the extent of involvement of each system with the other was relatively minor. The complex interrelating of national, state, and local administration into a single functioning federal super-system did not occur until after 1901. But the laying of its foundations was begun in the periods covered by White's studies.

Within the national government itself the cardinal question, viewed either in terms of "politics" or of "administration," has been the scope and nature of the executive power. The principal differences among and indeed within political parties so far as the national administrative system has been concerned have related to the presidency. Each of the first three political eras covered by Leonard White's studies was characterized by emphasis on a distinctive aspect of executive power. The Federalists sought to make the executive strong; the Jeffersonians sought to make him responsible; the Jacksonians sought to make him broadly responsive.

These points of emphasis were in no sense mutually exclusive. But their reconciliation could be made only by actual individuals in the heat of political struggle and in the day to day business of administration. It is the living reality of this process of reconciling values that White has captured with consummate skill in his account of the careers of individual public officials and of the evolution of political and administrative policies and institutions.

The fourth and final volume of White's administrative studies, *The Republican Era, 1869–1901*, reveals significant differences and similarities in relation to the preceding studies. The differences relate primarily to *The Federalists* and *The Jeffersonians;* the similarities relate to *The Jacksonians*. The impact of universal manhood suffrage upon public administration appears to have been far greater than any effect wrought on the national administrative system by the Civil War. *The Federalists* and *The Jeffersonians* dealt with public administration in America before the advent of mass democracy. *The Jacksonians* and *The Republican Era* depict the changes in public life that appeared when the "common man" began to take a hand in the administration of his public affairs. In *The Republican Era* the additional influence of industrialization emerged, although its full impact was not to be felt within the period of this study.

A major difference between the Republican era and preceding eras was that it gave rise neither to new ideas in administration nor to vigorous debate over

old ones. It was not an "age of experiments in government" nor was it productive of administrative innovation in theory or in practice. The years from 1869 to 1901 were, as White has said, "years of intellectual stagnation" for theories of public administration. They were years of painfully slow recovery from the abuses attendant upon the Civil War and its aftermath, and from an entrenched practice of spoils politics in public office. It was, as White portrays it, an era of struggle for reform and of foundation-laying for far-reaching transformations to follow.

It would be difficult to establish that there ever was a "Republican" view of public administration as distinctive as those of the Federalists, Jeffersonians, or Jacksonians. The mass political party developed during the Jacksonian era had come of age. The Republican and Democratic parties after 1870 did not prove to be appropriate media for the development or dissemination of administrative ideas. The rank and file of organization professionals in both parties were committed to the Jacksonian view of the holding of public office, although they did not necessarily agree on Jacksonian notions of presidential leadership. The mass of the electorate acquiesced in the viewpoint of the professionals and evidenced little concern with administrative doctrine.

Conflict of administrative ideas in the Republican era was almost solely between reformers in both parties and the beneficiaries of party spoils. There was, however, a more fundamental divergence in outlook among the Republicans, perhaps the most distinctive characteristic of Republican public administration: a schismatic difference in interpreting the function of the chief executive and of congressional-presidential relations. This difference has continued to divide the Republican party until the present and explains, at least in part, why Republican presidents have not necessarily fared worse with Democratic congresses than with congresses dominated by their own party.

The emergence of the mass political party may indeed have temporarily lowered the quality of political thought but, as developments after 1901 were to demonstrate, this effect did not continue. It is doubtful if it was the principal reason for the apparent intellectual stagnation during the Republican era. Administrative theories in government failed to flourish primarily because there was no compelling force to induce their growth. The nation was secure, the economy flourished with a minimum of governmental intervention, foreign affairs required no exceptional administrative arrangements. With the defeat of secession, the American people seemed to be more generally agreed on principles of government than at any time since the so-called "Era of Good Feeling" under the administration of James Monroe. Industrialization was generating powerful new forces that would one day give unprecedented impetus to thought on administration. But that day was only beginning to dawn as the Republican era drew to a close.

Few public figures of the Republican era understood the task confronting them, but their era, unchallenged by the necessity of creating new ideas, was none the less compelled to find some means of reconciling tacitly accepted old ones. Elements of Federalist, Jeffersonian, and Jacksonian ideology had won

general public acceptance. But these several elements were not understood in any orderly or consistent sense. Jacksonian rotation of office degenerating into the "spoils system" conflicted with Jeffersonian concepts of responsibility in public office and with Federalist principles of executive strength and independence. No theoretical synthesis of the administrative legacies of preceding eras emerged, and the reconciling of values took place in an *ad hoc*, pragmatic manner, principally through conflict on specific issues between presidents and congresses and between professional politicians and "reformers." By the end of the Republican era workable compromises had been developed among the several political and administrative doctrines to which Americans generally have adhered. These compromises, evidenced by the Pendleton Civil Service Act of 1883 and the successful defense of presidential independence by Hayes and Cleveland, provided a basis upon which the more conspicuous changes in national administration after 1901 took place.

It has been said that not all change is progress; it might also be said that not all progress requires change, at least change in the sense of movement into new and unexplored areas of experience. The contribution of the Republican era to the administrative experience of the American people was in re-orientation of values in relation to the institutions and practices of public administration. The Republic was not prepared to consider new experiments in government until it had brought its existing institutions to a workable degree of order and responsibility. In a very real sense, therefore, progress of a sort occurred in an era in which intellectual conservatism predominated and in which change was in the direction of reform rather than innovation.

In the four studies in administrative history, Leonard D. White, assisted by Jean Schneider, whose contribution is particularly acknowledged on the title page of *The Republican Era*, has given us the most significant contribution to the administrative history of the United States that has hitherto been made or is likely to be made for a very long time to come. Leonard White did not attempt to write a comprehensive history of public administration in the United States. But it was toward such an eventuality that his studies and those that he encouraged among students and colleagues were directed.

The three studies preceding *The Republican Era* may already safely be termed classics in political science and administrative history. *The Federalists* won the Woodrow Wilson Award from the American Political Science Association; *The Jacksonians*, the Bancroft Prize from Columbia University "for distinguished writing in American history." *The Republican Era*, a study of no less distinction, follows the general pattern established in *The Federalists* and maintained through *The Jeffersonians* and *The Jacksonians*. The same high quality of style is retained in this as in the preceding volumes. If the flow of action and of ideas is less lively, it is because the report faithfully describes the event.

The loss that political science sustained in the untimely death of Leonard D. White on February 23, 1958, shortly before publication of *The Republican Era*, scarcely requires comment. His work remains as a model and an inspira-

tion to others who may be fortunate enough to combine the insight, artistry, exactitude, and perseverance that he brought to the series and notably to this final volume.

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Nuclear Weapons and Foreign Policy. By HENRY A. KISSINGER. (New York: Harper and Brothers. 1957. Pp. xx, 463. $5.00.)

Tolstoy said that modern history is like "a deaf man answering questions which no one has asked him." Dr. Kissinger is a man with a keen ear, who answers the question everybody is asking: how can a nation defend its interests in the atomic age without destroying itself and civilization in the process? Is there a way out of this dilemma between universal destruction and surrender? Dr. Kissinger gives an answer to these questions that is both plausible and reassuring, and the answer is argued with great brilliance, wide knowledge, and good judgment. He does not just limit himself, as most of us have done, to analyzing the situation with its seemingly insoluble difficulties and unavoidable threats; he offers a program for action, which appears to be both militarily and politically feasible and biologically tolerable. The psychological service of relieving intellectual uncertainty and biological fear that this book renders to a troubled society accounts in good measure for its spectacular popular success, quite unprecedented for works of this kind. However, this popular success has tended to obscure the extraordinary intellectual merits of the book. These merits are two: fusion of political and military thinking and development of a coherent doctrine of limited war.

Recent theory and practice have tended to consider foreign and military policy as separate enterprises, which may meet by accident, but which have no organic connection with each other. Theory has tended to consider war as something to be abolished, not as something to be understood, and until recently the academic unconcern with military problems testified to this general tendency. In practice, the apocalyptic view of war has prevailed. War has been regarded as the isolated interruption of normalcy, attributable to evil men or evil nations, to be won in order to deliver the world from evil and to assure that after victory normalcy might reign again. Unconditional surrender as war aim is the logical corollary of a conception for which war is an isolated catastrophe that has no organic roots in the peace preceding it and that ought to have no consequences in the peace following it. Within the context of this philosophy, military strategy is as isolated from foreign policy as war itself: it is a self-sufficient technical undertaking with the sole aim of speedy, total, and cheap victory.

Dr. Kissinger's book constitutes a radical departure from this philosophy, which still dominated political and military thinking during the Second World War and its immediate aftermath. Political and military policy, peace and war are here seen as different phases of one organic whole: the defense and promotion of the national interest *vis-à-vis* other nations. The character and purpose of that organic whole is determined by the political purposes of the

nation. Military strategy is an instrument to achieve these political purposes and it is no more a self-sufficient technical enterprise than diplomacy, propaganda, and foreign aid. Military strategy is not simply the comitment of all available instruments of military technology for maximum effect. Rather it is the judicious adaptation of what is technologically possible to what is politically desirable and tolerable.

This is, of course, the classical military doctrine restored and applied to the conditions of the atomic age. What possibilities does this doctrine open up for the future military strategy of the United States? Unfortunately, sound political and military principles do not lend themselves of necessity to simple, clear-cut conclusions. Thus the classical military doctrine, so brilliantly restored and applied to contemporary conditions by the author, supports three different types of military strategy: the monistic concentration upon the all-out deterrent which is supposed to prevent both all-out and limited war; the dualism of the all-out deterrent and limited atomic war; and a triple-threat strategy of all-out deterrent, limited atomic war, and limited conventional war. Dr. Kissinger has chosen the second alternative. That choice is perfectly tenable on theoretical grounds. But is it likely to be feasible in practice?

Only a fool would venture to answer that question dogmatically. For here we are in the realm of probability, and our guesses are supported only by our general experience of human affairs and not by any specific experience of atomic war. However, it is both possible and necessary to point to the specific conditions on which the possibility of limited atomic war depends and to reflect upon the likelihood of their realization.

First of all, limited atomic war is feasible only in theatres without large centers of population and concentrated industries. For only in such a theatre could the distinction between all-out and limited atomic war be maintained. In any other theatre, such as Europe, the effects of tactical atomic war, waged over a significant period of time, would be indistinguishable from those of all-out atomic war. Furthermore, the feasibility of such a limited atomic war, a war adapted in just the right atomic dosage to the ever-changing political and military conditions of the hour, depends upon the continuing presence of truly extraordinary qualities of will and mind. Political and military leaders of both sides must bring to their tasks a blend of self-restraint and daring, which very few leaders in history have proven themselves to be capable of for any length of time. They must apply to the problem of limited atomic war good political and military judgment to such an extraordinary degree of excellence as to border on the unfailing. If one of these leaders takes a step too far, provoking thereby a similar step from the other side, limited atomic war will, step by step, blend into all-out atomic war. If, on the other hand, a leader does not go quite far enough, he will increase the chance of avoiding all-out atomic war only at the risk of defeat. Can the political and military leaders of both sides be really expected to possess the qualities of will and mind necessary to strike consistently an equitable balance between these two risks?

Dr. Kissinger seems to think that this possibility exists. I doubt it. I am

inclined to believe that historic experience militates against this assumption and that the three-pronged approach to military strategy, restoring limited conventional war to prominence, is militarily and politically sound and economically feasible. And I hope we shall never find out whose guess was right.

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A United Nations Peace Force. By WILLIAM R. FRYE. (New York: Oceana Publications. 1957. Pp. xii, 227. $3.75 cloth; $1.00 paper.)

War is the solvent of convention and the catalyst of social as well as technological invention. A torrent of words has worn smooth the question whether the United Nations can be a useful instrument for the application of force to help maintain international peace, but two small wars in recent years, related to Korea and the Suez Canal, have done the most to stimulate bold thought and action on this persistent issue. Mr. Frye's book, *A United Nations Peace Force*, is an eminently readable and penetrating effort to extract from the Suez experience wisdom that may be useful in the future.

The first three chapters tell how the Emergency Force took shape under the impact of various national interests and—what is especially fascinating—the guidance of key individuals such as Dag Hammarskjold and Lester Pearson. The last six chapters look ahead to see how this experience can best be made to serve the future.

Much of this latter analysis is devoted to Mr. Frye's own proposal, the principal ingredients of which are: a request to Members of the United Nations, other than the permanent members of the Security Council, to earmark elements of their armed forces for use, with their express consent in each case, in a "United Nations Peace Force" which would supervise peace arrangements already agreed upon rather than fight to establish new ones; the creation within the Secretariat of a small staff of officers to plan the use of the Peace Force; the immediate establishment, under the supervision of this staff, of an Observer Corps of fifty to a hundred officers and enlisted men, part of whom would be held in readiness for instant use; recognition that a standing international army, even as small as six to seven thousand, is unrealistic in view of current governmental and popular attitudes; and location of ultimate control of the Peace Force in the General Assembly and the Security Council, with day-to-day supervision to be determined according to the peculiar circumstances of each situation.

In shaping his grand design, Mr. Frye had the benefit of a series of "think pieces" which were written by especially knowledgeable people and published as appendices to the book. The titles and authors are: "Where and Under What Circumstances Might a United Nations Police Force Be Useful in the Future?" by Paul H. Nitze; "A United Nations Force: Its Usefulness in the Resolution of Various Crises," by Richard L. Plunkett; "The Problem of "Consent" in Relation to a UN Force," by Charles P. Noyes; "Military Aspects of a Permanent UN Force," by Lt. Col. Charles A. Cannon, Jr., USA, and Lt.

Col. Amos A. Jordan, USA; "Efforts to Establish International Police Force Down to 1950," by Leland Goodrich; and "A United Nations 'Guard' and a United Nations 'Legion'," by Stephen M. Schwebel.

The special strengths of this little volume are its timeliness, its perceptive account of the UNEF experience, its thoughtful proposal for the future, and its fresh style. The analysis makes it clearer than ever that, whenever an epidemic of armed conflict breaks out, the overwhelming majority of states are likely to resort to every available instrument, including the United Nations, to take countervailing action. The United Nations is too integral a part of the international apparatus to be allowed to remain aloof from any major disturbance. Yet the wide range of interests, resources, ideologies, and national behavior among its Members make it especially difficult to mobilize sufficient consensus and co-ordinated strength to take effective action.

Recognizing these limitations, Frye recommends an international force that can do no more than stand guard between combatants who have already been compelled to stop fighting. Yet he suggests parenthetically that the United Nations might also be useful in the application of force to pacify the contestants and that such action could be taken by national contingents operating under some form of flexible United Nations supervision, possibly in accordance with the Uniting for Peace resolution.

Frye does not, however, give adequate attention to the relationship between these two possibilities—policing an established peace and employing force to impose a peace. He tends to consider these two functions quite separable, in both theory and practice, whereas there is a whole spectrum of possibilities lying between these two extremes that can, and often do, merge with one another, as in Korea. Surely it is dangerous to take the first step without looking ahead to see where the path may lead and without weighing potential gains against risks. Furthermore, in making his specific proposal, Frye gives scant attention to the central problem, how to provide bold, firm, united, and responsible political guidance for the Peace Force. None the less, his analysis is an imaginative and practical treatment of one aspect of the United Nations as a means of maintaining world peace.

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Evolution or Revolution? The United Nations and the Problem of Peaceful Territorial Change. By Lincoln P. Bloomfield. (Cambridge, Mass.: Harvard University Press. 1957. Pp. 220. $4.50.)

The author recognizes that change of various kinds, technological, economic, social, and legal, is continuous and that the *status quo* in regard to vested rights must accommodate itself to this change, but he confines attention to the territorial problem. Some humanitarians, he notes, discuss territorial issues as anachronisms, and he agrees that "in the world of tomorrow boundaries and national sovereignty may perhaps become meaningless," but "they still have a capacity to constitute a *casus belli* for which a dozen, a thousand, or a hundred

million lives may be sacrificed" (p. 3). He does not go into the question whether territory may be significant because of its symbolic rather than its intrinsic value, but he lists thirty-three unsettled territorial disputes, including four bisected countries, in all the continents but Australia (pp. 4 f.). Territorial changes have usually involved violence and, when they are nominally peaceful, threats of force are usually in the background. The problem of peaceful change of territory is, therefore, outstanding among the international problems of our time.

The author gives full recognition to President Wilson's appreciation that the territorial guarantee called for in the fourteen points should be accompanied by a provision for peaceful change; he quotes Wilson's revolutionary proposal, suggested by Col. House, that the League Assembly be given power to make, by a three-fourths vote, "territorial modifications," "necessary and proper for the welfare of the people concerned," by "reason of changes in present racial conditions and aspirations." The procedure would be analogous to that of the exercise of eminent domain and would assure both "equitable compensation" to the state losing territory and the consent of the inhabitants of the transferred territory pursuant to "the principle of self determination" (p. 26). The history of the attenuation of this proposal in the drafting of the Covenant and of its insignificant use in the League's practice is narrated. Attention is also given to the debates on the issue of peaceful change in the 1930's under pressure of the rising Fascist states, especially to the discussion in the International Studies Conference of 1937, which produced several books on the subject, including one by John Foster Dulles, who led the American unofficial group at that conference. There is also a discussion of the debate before and at San Francisco, led by Senator Vandenberg, resulting in a peaceful change provision in the Charter, and of its subsequent application by the United Nations (p. 93).

The author contrasts the United Nations, which he says tended to "identify with the forces that make for change" with the League of Nations, "which was an agency for inflexible support of the *status quo*" and "existed as much to preserve with maximum rigidity the post Versailles order primarily for the benefit of France, as it did to provide a framework and set of techniques to maintain the peace" (pp. 2, 14). In the reviewer's opinion, this formulation exaggerates the differences.

The writer is also on doubtful ground in saying that the territorial guarantee of article 10 of the Covenant was more inflexible than that of article 2 (pars. 4, 5) of the Charter (p. 13). The negative guarantee against external aggression was the same; the positive guarantee differed only in that the Covenant's guarantee could be carried out by autonomous action of the guarantors, while the Charter's guarantee can be carried out only by decision of the United Nations. Furthermore, it can not be said that the articles in the two instruments explicitly dealing with territorial change differed essentially: in fact, article 19 of the Covenant is more explicit than article 14 of the Charter, in that it referred to treaty revision and was free of any possible claims of "domestic jurisdiction."

It is true that there has been more peaceful and semi-peaceful change under the Charter, but the difference can not be attributed to the texts directly concerned with the *status quo* nor to the intentions of the makers but, as the author hints, to the differences in membership of the two organizations and to the Charter's more extensive statement of political principles to guide the direction of peaceful change. The author approaches the essence of the matter when he says: "Change is not good because it is change, but because and when it spells progress" (p. 191). It is doubtful whether change that has the character of throwing innocent babes to hungry tigers makes for peace, though some of the League critics of the 1930's seemed to suggest that it might. The advantage of the Charter over the Covenant in this matter was in its spelling out of principles to guide the action of all United Nations organs, whether political or juridical. Acceptance of these principles, coupled with the increasing number of members of the United Nations who wish change in the approved direction, accounts for the more dynamic character of the United Nations.

The author recognizes that his problem is basically that of law *versus* politics in government or, more broadly, that of stability *versus* progress in society (p. 145). He does not, however, sufficiently appreciate the dynamic potentialities of international law, especially in utilizing such sources as that stated in article 38(c) of the Court Statute, nor does he sufficiently appreciate the impotence of politics as an instrument of peaceful change unless guided by principles generally accepted in the community. His preoccupation with cold war has blinded him to the area of agreement between what he calls "east and west," and "north and south" (p. 113). He gets bogged down in a sterile discussion of the "real" meaning of such terms as "legal order," "community," "national interest" (pp. 153, 158, 191), through inattention to the distinction between what William James called "existential" and "value" propositions. The problem of peaceful change is less concerned with the existential question, how nations have behaved, than with the value question, how they should behave if certain values are to be achieved.

The author seems to confuse law with "legalism" in his discussion of the legal and political aspects of the United Nations (p. 157). While he properly notes that any dispute might formally be solved by the application of international law by the Court (p. 171), he does not sufficiently appreciate that the legal character of the United Nations is not denied by the Charter recognition that a satisfactory settlement is less likely to emerge from adjudication than from the political processes of negotiation, inquiry, mediation, or conciliation, unless both parties have formulated their demands in legal terms. Every legal order that has survived has balanced legally permissible political processes with legally required judicial processes; when the order is highly decentralized, as is the world community, the former have necessarily predominated.

In the next to last chapter, the author, who has served in the Department of State, deals with the foreign policy dilemma of the United States when faced by demands for peaceful change justified by the Charter but opposed by allies

who wish to keep their colonies or to keep their dark skinned subjects "in place." With such problems, he is more at home than with the problem of peaceful change from a world point of view. In either case, however, he contributes more to demonstrating the difficulties of the problem than to suggesting means of solution.

The book is stimulating, and it is to be hoped that it will inspire others to pay attention to the problems it raises.

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Nationalism in Colonial Africa. By THOMAS HODGKIN. (New York: New York University Press. 1956. Pp. 216. $3.75.)

Since 1950 Thomas Hodgkin has been one of the leading political analysts of developments in Tropical Africa. Those concerned with the politics and emergent political systems of this vast area are indebted to him for his many penetrating articles on the political phenomena of individual territories, and now for the present book-length study in which he essays to synthesize nationalistic developments in colonial Africa and draw hypotheses concerning them. In this short, tightly written, analytical study, he critically examines those policies of the major colonial powers—Britain, France, and Belgium—that have affected the growth of African nationalism; the role of the new towns as centers of social mobilization and reintegration; the character of the new associations, including parties and congresses, and of the new leaders—the prophets and priests; and the political theories and myths by which nationalists are guided and through which they seek to rationalize their actions. In a brief epilogue he suggests several hypotheses on the present status and probable future development of African nationalism.

The author is undoubtedly one of the best-informed persons on the phenomena about which he writes. His extensive and frequent field trips to Africa (where his time has been spent not at Government House but in the local market, the village, or the nationalist meeting); his close contact and rapport—perhaps the closest of any non-African—with the leading political figures; his facility with French and Arabic, and particularly his familiarity with the nationalist literature in those languages—all serve to endow his work with special interest and validity. Moreover, his analysis is both systematic and truly comparative. He avoids the conventional territory-by-territory approach by using analytical categories that crosscut the varied colonial systems within which nationalism has manifested itself. This method enables him to introduce useful typologies and to maximize the possibility of valid generalization. He also demonstrates that systematic political analysis does not require either an elaborate methodology or the sacrifice of clarity and readability.

Another impressive feature of the study is the historical sensitivity the author displays both in his appreciation of the importance and the political relevance of the African past and in his efforts to relate patterns of social change and nationalist development in Africa to similar phenomena in Europe and Asia. He

argues that African nationalism should be approached as "an historical movement, necessarily and characteristically African, yet revealing definite points of resemblance to the nationalisms that have emerged in other parts of the world" (pp. 16–17). His study helps to bring up to date the Royal Institute's classic, *Nationalism* (1939), which, like most previous Western studies, largely ignored Africa, possibly, as Hodgkin suggests, because of the tendency to think of Africa as a "thing-in-itself."

The study stimulates three observations. The author has, I believe, given undue emphasis to the role of trade unions in the rise of African nationalism. Potentially unions are, and in several instances have been, effective vehicles for asserting nationalist demands. In Northern Rhodesia and parts of French West Africa they have provided the main organizational base for nationalist movements, as well as a structure through which Africans could climb to positions of "national" leadership. But in other countries, such as Ghana, Nigeria, Tanganyika, and Nyasaland, their role has been either non-existent or sporadic and in the balance not of determinative importance. Hodgkin recognizes such variations and gives practical reasons for his special focus upon organized labor. This emphasis, however, has two dangers: it endows organized labor with an "intrinsic" or "inevitable" historical mission in the growth of nationalism; and it creates the impression that organized labor has been more significant than other social categories—particularly students, teachers, and intellectuals, professional groups, and even some chiefs—in the development of African nationalism, which has not always been true.

A second point relates to Hodgkin's proposition that "the presence in particular territories of resident non-African minorities does not materially affect the nationalist objective ['the creation of self-governing States in which political power will rest, effectively, with Africans'], although it may have important consequences for nationalist strategy" (p. 187). This hypothesis tends to be confirmed by African autonomist trends in Algeria and French *Afrique Noire*, as well as by the growing acceptance of ultimate African control of the emergent states of British East Africa. *At this stage*, however, it cannot be accepted uncritically in regard to African political activity in Southern Rhodesia, the Union of South Africa (which Hodgkin excludes to achieve sharper focus), or, insofar as we know that such activity exists, in the Portuguese territories. A distinction must be made between ethical imperatives and existing facts, between the assumption that in the long run the majority (i.e., the Africans) inevitably will seek and attain mastery, and the actual fact that, for the present at least, historical conditioning, assimilationist policies, and the overwhelming monopoly of power possessed by settler oligarchies or colonial bureaucracies have led to accommodationist attitudes among some African groups not unlike those that have long characterized the Negro in the American South. This may well be a phenomenon characteristic of the present situation or generation, and in the end the ideal of Africa for the Africans may be universally realized. Much depends, of course, on the distinctions drawn between "objectives" and "strategy," and between covert sentiment and overt activity.

Third, the differential manifestation of nationalism in Africa should be related to two major conditioning factors—differences in colonial policies, which Hodgkin admirably summarizes in one chapter, and differences in traditional African culture, which he acknowledges (p. 59) but regrettably does not develop to the same extent. Variations in traditional culture, like different colonial policies, help to explain variant political behavior in the modern nationalist era. The pattern of nationalist development in Uganda, for example, is partly explained by the special character of Buganda culture, in Northern Rhodesia by Bemba and Lozi culture, in Kenya by Kikuyu culture, and in Nigeria by Ibo, Yoruba, and Hausa culture. Colonial policies have not acted upon an undifferentiated African mass. Hodgkin makes many references to the variable character of African culture; my main argument is that it deserves considerably greater emphasis in the future study of African nationalism.

These observations can hardly be called criticisms, as Hodgkin is most emphatic in stressing the primitive state of our knowledge and the tentative and exploratory character of his study. He essays nothing more than "to indicate the boundary between what is known and what is unknown; to suggest connections and comparisons; and to raise questions which further investigation might help answer." His book not only raises the relevant questions and provides an admirable framework for such further research, but is also a first-rate contribution to an understanding of modern African politics.

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Diversity of Worlds: How the United States and France Look at Their Joint Problems. By RAYMOND ARON AND AUGUST HECKSCHER. (New York: Reynal and Company. 1956. Pp. xiii, 178. $3.50)

In March 1956 the World Peace Foundation sponsored an unusual experiment in "mutual understanding," inviting groups of outstanding Frenchmen and Americans to meet one another for five days at Arden House, an experiment that was repeated in the spring of 1958 in Paris. Raymond Aron and August Heckscher wrote "Diversity of Worlds" as the rapporteurs of their respective delegations.

The issues selected for discussion (NATO, the German problem, the problems of Empire, Defense and the Atom, culture and democracy, etc.) fall into a meaningful pattern as each author deals with the problems that are of greatest concern in his respective country: the impact of United States leadership, for the French; the colonial issue and the crisis of French society, for the Americans.

The reader is left in some doubt whether the purpose of the conference was to "dispel false notions about one another's goals, motivation and behavior," as Arnold Wolfers suggests in the preface, or not to examine "misunderstandings," but "to shed light on real problems . . . to determine in what measure the conceptions or interests of the two countries paralyzed common action or compromised it," as Aron puts it at the beginning of his contribution. Aron's emphasis on "real problems" leads him to make an elaborate analysis of the situa-

tion in Europe in which it is not always clear whether he presents his own views or those of the French delegates. One suspects that his logical argumentation is strongly colored by his own ideas about the problems of Germany and European union. He thus predicts a quarrel among Frenchmen over Euratom as passionate as that over EDC since it involves "a decision with enormous and unforeseeable consequences" (p. 50), and he is even skeptical about the French acceptance of the common market.

As a military expert, Aron asks some pertinent questions (is the United States still in a position to protect Europe?) and makes less pertinent assumptions (the possession of atomic bombs by the Europeans would play the role of trigger finger and guarantee United States protection). It is not surprising that the discussion on "defense and the atom" should have been a "circular debate" leading to no conclusion except that both delegations agreed on two imperatives—to bind Germany to the West and to insure the maximum security to Western Europe—but disagreed on the methods of doing so.

August Heckscher's philosophical and moralistic bent contrasts with Aron's terse "realism." His generous understanding of French problems is a convincing demonstration of enlightened American liberalism. He shows a good deal of sympathy and restraint in his treatment of the Algerian problem and draws with great fairness the fundamental differences in French and American views of colonialism and imperialism, an area where logic and even common sense could not be expected to rule. Throughout, the philosopher-moralist seeks harmony through greater rationality, adaptability, and good will, while recognizing that the enormous difference of power in the "unequal alliance" multiplies the difficulties in carrying out a successful joint effort.

His view of France itself is somewhat ambivalent, perhaps reflecting that of most cultured Americans. France is criticized for her slow motion, her inability to solve her basic economic and social problems, and at the same time warned not to go too fast so as not to lose her traditional virtues. The picture he presents of an old country, solidly rooted in her past and reluctant to change its traditional ways, causes Aron to explode. "The image of France as filled with nostalgia for handicrafts, hostile to large scale production, heartbroken at the disappearance of a civilization based on quality, which French self-criticism has in large part created, is a caricature" (p. 152). To this Heckscher replies, in his anxiety to protect France from her own children, that France is bound to remain herself and that "it is important that the virtues of French life and character not be submerged or perish from want of ardent defenders" (p. 160) since "quantity cannot be an altogether satisfactory substitute for quality." Thus American idealists become the "ardent defenders" of their traditional image of France as a charming and somewhat useful anachronism, much to the indignation of French realists who are proud of the spectacular strides of industrialism in their country since the war and care less about traditional virtues.

Speaking of the twin danger the delegation faced, and succumbed to, of "simplified antithesis" and "harmonious dialogue," Aron warned that the pleasant atmosphere of Arden House gave "an illusion of agreement that really

exists only because of exceptional circumstances and does not survive them." The reader suspects that the original misunderstanding was little lessened at the end of the conference, though perhaps its causes were better grasped. Certainly "mutual understanding" cannot be found by establishing objective criteria of "common interests" since those are blurred by the subjective evaluation made by each people of its role in the world, not so much the world as it is, but as each wishes it to be. In their respective search for vital interests, each has used, Alice-like, his own looking glass. Through their nineteenth-century glass, the French continue to see a massive Algeria, as they saw not long ago a formidable Germany, the rest of the world being more or less out of focus. The modern glass of the Americans, befitting the leader of the West, gives them what they consider a universal and balanced view of the world as it is and as it will be. If they want the French to accept their own vision of the world to be they have to justify its plausibility, if not its inevitability. But can they offer more than a hunch, an optimistic groping for a distant and vague "better world" in which even the Arabs will behave, as the foreign policy of the U. S. "moves forward from an age it has known into one whose contours are still shrouded in mists" (p. 169)? Lacking faith in the American vision, the French will continue to use their old-fashioned glass at least for some time to come, and perhaps learn at last from bitter experience.

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The Future of Socialism. BY C. A. R. CROSLAND. (New York: The Macmillan Company. 1957. Pp. 540. $7.00.)

This interesting book is one of a small number of post-1951 British studies of the basic principles and future tasks of socialism. After the realization of many of the most urgent but long pursued objectives of the Labour party between 1945 and 1950 and the fall of the Labour government in 1951, a period of much-advertised "re-thinking" began. Mr. Crosland, a former Oxford don and a young and active member of parliament from 1950 to 1955, is the most meticulous and voluminous of the re-thinkers, but his book is hardly a characteristic product of the revisionist process. It is strongly influenced by American experience and to a limited extent by a somewhat misleading interpretation of Swedish experience—neither of these influences is very familiar in British socialist literature—and sociology, a little-studied subject in Britain, supplants economics as the master-key to understanding and action. The book runs counter not only to Marx but to the views of those numerous British non-Marxist socialists who are primarily interested in the ownership of the means of production and regard no socialism as complete unless it depends on nationalization. It even breaks with Keir Hardie and Beatrice Webb. "Total abstinence and a good filing system," says Mr. Crosland, "are not now the right signposts to the socialist Utopia." He cares little indeed for talk of Utopias or for reliance on any particular "scripture" in evolving modern socialist programs. He is likely, therefore, to alienate not only some of the dogmatists but some of the established "interests" within the Labour party.

His book is lively and interesting because it ranges over an enormous variety of topics in political theory, industrial relations, semantics, and sociology. The first part is concerned with "the transformation of capitalism." In it Mr. Crosland suggests that the pattern of ownership does not "uniquely determine anything"—neither class stratification nor the degree of exploitation, neither the distribution of personal incomes nor even the distribution of capital. In particular, it does not determine the capacity of the government to plan. This part of Mr. Crosland's thesis, which is advanced to justify a suspension of Labour propaganda for further nationalization, is curiously general and in practice implies leaving an enormous weight of work to the fiscal apparatus of a socialist state. It would lead to many tensions within a "mixed economy," and it ignores the evidence collected by A. A. Rogow and A. P. Shore in their study, *The Labour Government and British Industry 1945–51*.

Part II is a brief statement of the "aims of socialism," part III a detailed and stimulating discussion of "the promotion of welfare," part IV something of a pioneer examination of the British "search for equality," and part V a sketchy and over-optimistic examination of the economic implications of further moves towards "socialism." Chapter VII on "the purposes of social expenditure" is a particularly lively survey of different attitudes towards "the welfare state," and the whole of part IV is a rich commentary on British class distinctions. Britain, says Mr. Crosland, is a class-ridden country, not in the sense that there is a noisy and unremitting class war between capitalists and proletariat, but rather because social inequality and exaggerated class consciousness create resentment and frustration, individual waste and collective unrest. There are passages in this section that are reminiscent of John Stuart Mill and even of Matthew Arnold, but Mr. Crosland stands firmly in the twentieth century when he rebukes "puritan" socialists who continue to argue that "high consumption and brotherly love are incompatible." At this point in Mr. Crosland's analysis there is need for a further sociological study of the composition of the Labour party's rank-and-file and an examination of why many people are committed to the Labour party. It is not clear that the Labour party in anything like its present form could survive the changes advocated in this part of the book. Not only its *ethos* but its organization depends on a peculiarly British sense of "class" and on the driving force of individuals who do not share Mr. Crosland's sophistication.

Part V reads a little oddly in the light of Britain's chain of post-war economic crises, the pressure of foreign competition, and the cuts in capital expenditure. Although Mr. Crosland admits that "a Labour Government must have an economic program, if only to ensure that the rate of growth [is adequate]," he does not regard "questions of growth and efficiency as being, on a long view, of primary importance to socialism." Britain, as he sees it, is "on the threshold of mass abundance." Although he has dealt in more detail with economic problems in an earlier book, *Britain's Economic Problem* (1953), the problems wither away in this present study. For all the author's distrust of Utopianism, he shifts the emphasis in his last few pages from the hard issues of the present to "the cultivation of leisure, beauty, grace, gaiety, excitement, and . . . the proper

pursuits, whether elevated, vulgar or eccentric, which contribute to the varied fabric of a full private and family life."

Taking the book as a whole, there is a certain insularity. Will not preoccupation with the "advanced" and intricate problems of British society make it even more difficult than it was in the past for British socialists to understand the attitudes and aspirations of socialist movements abroad, particularly in underdeveloped countries? The future of socialism will be determined, not in Britain, but in the world as a whole. The link problems are deliberately left out of this story, but they can be by-passed (as the recent history of French socialism shows) only at a high price. Socialist re-thinking about the outside world will be greater importance and interest in the next few years than these able reflections on the shape of British society.

ASA BRIGGS.

University of Leeds.

Forced to Be Free: The Artificial Revolution in Germany and Japan. BY JOHN D. MONTGOMERY. (Chicago: University of Chicago Press. 1957. Pp. xiii, 209. $4.50.)

Literature on postwar occupation policies is not short on expressions of suspicion that all went not well with the Allied program of democratization in Germany and Japan. Cassandras warn the "free world" against over-confidence in that regard. The return to positions of international power of the two defeated countries—even though one remains cut in two—is frequently evaluated as a threat to the security of the older democracies. The need has been for studies in depth of the postwar systems and regimes in Germany and Japan, for analyses of their informal or effective power structures and operations in order to provide a more conclusive basis for a definitive evaluation of the Allied efforts than may be derived from a review of only the formal, legal-constitutional structure. Investigations of the actual—as against the planned—structural and institutional changes, if any, are required. *Forced to Be Free* represents an effort in that direction. It is a summary evaluation of extensive field investigations conducted over a period of years—1952–1954—under the sponsorship of a military government research program in the Operations Research Office of the Johns Hopkins University. The modest size of the volume is inversely related to the number of persons associated with this research and, as the author intimates, to the actual amount of statistical data and case studies collected, on which the present volume is based.

The several re-orientation programs—in the case of Japan, apparently more the MacArthur program—are seen as artificial revolutions engineered as part of a new approach by the United States to international relations. The object of this approach was to extend the tenets and processes of democracy—as conceived of in the Anglo-Saxon world—to wayward former enemies in Europe and the Far East. By simultaneous comparative analysis, the concepts and methods of democratization in the two countries are investigated and evaluated. The thesis of the book is that the Allied program for the occupation of Germany

and Japan, although soundly conceived—before an aroused democratic public got into the act—was only partially successful because the Western-inspired "artificial revolution" encountered the Soviet-directed "permanent revolution." The study is focused on the operational aspects and the effect of the Allied attempt to deal with the old totalitarian elites, the institutional bases from which these elites exercised power and influence, the instances of relative success and failure in the conversion processes, and the conceptual and methodological errors and fallacies to which failure can be attributed. The question posed by the author, whether the artificial revolutions of 1944–54 produced political results resembling those of 1776 or those of 1848, is answered differently in each case. In Japan, perhaps because of the relative detachment of the occupation regime from the cross-currents of United States domestic politics, perhaps because the American public is traditionally less concerned with affairs in the Far East than with those in the "Old World," the author sees cause for cautious optimism. Given continuously favorable conditions, he holds that the end result can be satisfactory from the democratic standpoint. At least a minimum of significant institutional alterations have been accomplished. In Japan, reform of the institutional bases from which power and privilege are exercised was preferred to the political purge, wherever possible, and this the author deems the more appropriate method for democracies to employ in an attempt to accomplish a democratic revolution. Plans for Germany went awry. We are told that, though the Nazi elite did lose its special privileges and social conditions in the Bonn Republic compare favorably with conditions under the Hitler regime, social change has not been far-reaching enough to place German postwar democracy on a firm and fairly permanent foundation.

In conclusion, the author makes certain broad recommendations concerning the application of the lessons learned in Germany and Japan "in our systematic efforts to encourage political democracy and economic freedom in other parts of the world," including the areas covered by Point Four and the United States foreign aid program in general. It appears to this reviewer that the author thereby strays into a problem-complex not analogous in significant respects to that with which his book is concerned. While it may be true that certain public-relations aspects of our late experience as military-government tutors of democracy are applicable to areas in Asia and Africa, it cannot be overlooked in a comparison of, let us say, Germany and the Sudan, that the differences are staggering.

HENRY L. BRETTON.

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Democracy in Western Germany. By RICHARD HISCOCKS. (London, New York, Toronto: Oxford University Press. 1957. Pp. vii, 324. $7.50.)

Any book that sets out to appraise the prospects for democracy in Western Germany must be judged according to the author's handling of three interrelated questions. To what extent are the factors that brought about the collapse of the Weimar Republic still significant in contemporary Germany?

Have any new factors emerged to strengthen and encourage democratic institutions and practices? Are there any new factors that would tend to undermine democratic government if not checked or counterbalanced? It is with these questions in mind that *Democracy in Western Germany* is here reviewed.

The chapters in this book fall naturally into three main groups. In the first group the circumstances that explain the lack of a national democratic tradition are surveyed. The second group begins with a brief chapter on the Bonn constitution, with emphasis upon those provisions that reflect either a reaction to Nazi influence or a determination to avoid certain weaknesses of the Weimar system. However, Professor Hiscocks is less concerned with constitutional forms than with the interplay of new and old forces in postwar German government and politics. From this perspective he probes into the actual functioning of the organs of politics at the federal, *Länder*, and local level. There should be no serious quarrel with the writer's overall assessment of prevailing trends and problems; it is realistic and perceptive, based upon concrete examples drawn from everyday practices. On the other hand, it is disturbing to find that the President, the Chancellor and Cabinet, the Bundestag and Bundesrat are all discussed in a single chapter, a procedure that makes inevitable a rather sketchy treatment of key institutions and relationships. Obviously, a complete institutional survey has not been attempted: there is nothing on the judiciary or civil rights, little on the central administrative organization, and hardly enough on the growing power of interest groups. None the less, Professor Hiscocks has effectively pictured a partially reconstructed political system which, from a democratic standpoint, has potentialities for both good and evil. On the credit side of this system he includes the praiseworthy example set by President Heuss, the emergence of two great and fundamentally democratic parties, and the successes of an "anti-militarist and anti-totalitarian Chancellor," which have provided a "good transitional stage for a nation without a democratic tradition." On the debit side are Adenauer's autocratic conception of his office, the failure of the Bundestag to insist more vigorously upon its rights, and reactionary and restorative elements in both civil service and political parties.

In the third group of chapters, the focus shifts from the governmental to the societal aspects of Germany's struggle for democracy. Recognizing that the viability of democratic government ultimately depends upon the extent to which democracy as a positive ideal is rooted in the whole of society, Professor Hiscocks sharply scrutinizes the grass roots of German democracy. How are we to evaluate the trade unions' claim to be the strongest actual and potential democratic influence in the country? Are the traditionally "unpolitical" Germans learning to recognize their own civic responsibilities? What are the implications for Germany's internal development of the problem of reunification? Is there any reason to believe that significant achievements can be expected in the field of political education? After examining the record, Professor Hiscocks concludes on a note of cautious optimism.

Any idea that German democracy is a hot-house plant, doomed to wither at the first frost—or, alternatively, that a political renaissance has occurred to

render a relapse into authoritarianism unthinkable—will be rapidly dispelled by this book, which merits serious attention not least because of its judicious balancing of the many contradictory forces at work. The impatient reader may complain that the author's careful assessment of the faults and achievements of West German democracy lacks finality. The thoughtful reader, however, will appreciate the sound scholarship and good judgment that make *Democracy in Western Germany* a welcome addition to the literature in the field. If Professor Hiscocks's conclusions are tentative, it is only because the struggle for democracy in Germany is a continuing one, with new forces and new combinations of old forces coming constantly into play.

CARL J. SCHNEIDER.

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West German Leadership and Foreign Policy. EDITED BY HANS SPEIER AND W. PHILLIPS DAVISON. (Evanston, Ill.; White Plains, N.Y.: Row, Peterson and Company. 1957. Pp. x, 323. $7.00.)

The study of the conduct of foreign relations has come to be a discipline of major importance for democratic states whose domestically determined national interests often conflict with the international requirements for stability and progress. Such a study is all the more important for West Germany, whose location in the strategic center of the east-west struggle has accorded its newly independent decision-making processes a significant international role.

The editors of this pioneer volume have brought together monographic studies which were originally prepared for the RAND corporation. All of these chapters (Party Leaders, by Henry J. Kellerman; Civil Service, by John H. Herz; Trade Unions, by Otto Kirchheimer; Business Organizations, by Gabriel A. Almond; Mass Media, by W. Phillips Davison) have been written by able political scientists, whose general familiarity with German society and politics was supplemented by several hundred personal interviews with German leaders. An introductory chapter by the American free-lance journalist, Samuel L. Wahrhaftig, provides the institutional setting, and the final chapter surveys the trends in German mass opinion between 1946 and 1956. The views of German military leaders have been treated in a separate volume by Hans Speier, *German Rearmament and Atomic War* (1957).

Among those of western democratic societies, the foreign policy of Germany has been least influenced by special interests or by the visceral responses of an uninformed public. Chancellor Adenauer's vigorous personality and continuing leadership since 1949 have been responsible for expanding the constitutionally preeminent role of his office; in this, he has been favored externally by a bipolar world, which has recreated and rehabilitated West Germany, and internally by a buzzing economic prosperity, which has diverted popular attention from such key foreign objectives as reunification. The Chancellor's control and use of parliament have enhanced his leadership capabilities; his father-image within the country has given ever greater majorities to his own Demo-

cratic Union Party, and he has used the opposition (the Social Democratic Party) to extract concessions abroad.

The Chancellor's role and personality have thus freed him from internal pressures and granted him unusual flexibility in responding to international developments. He has also been able to seize the initiative in fostering Western European Union, which he regards almost as divine revelation. But what may be expected of West Germany when the octogenarian titan leaves the scene, as he must in 1961, or before?

This book makes it clear that no conclusive answer can be given. West Germany's post-war decade has been too short a time and has been accompanied by too exceptional circumstances to suggest that institutional and behavioral stability has now become a permanent characteristic of the German milieu. A new Chancellor will find the foreign office understaffed with labor attachés, with experts in the social and cultural branches, and with specialists on the USSR. German bureaucrats, however, are not imbued with romantic expectations and extremist goals; as a group they are hesitant, timid, and security-demanding. They want reunification without war, and they reluctantly accept rearmament, although they are suspicious of the old style military. They endorse economic cooperation with Europe partly because they do not want West Germany to assume the risks inherent in the role of a great power.

Leaders of the Social Democratic party are more anti-militaristic than those of the Christian Democratic Union and are more willing to sacrifice West Germany's membership in NATO as the price for reunification. Labor unions have evidenced little articulate interest in foreign policy, although they provide institutional support for the SPD. Industrial organizations have been more vigorous in their lobbying activity in the Bonn ministries, and have actively supported the Western European movement. The mass public has been indifferent to political issues, and the mass media, catering to the public's desire for entertainment and cultural diversion, are politically castrated. If reunification is given top priority among foreign policy goals, neither the special interest groups nor the mass public would agree that it should be pursued by military force.

But changing foreign and domestic situations may evoke new and unexpected responses. A revolution in Eastern Germany might invite intervention; an economic recession and accompanying unemployment could strengthen the demands for economic coexistence with the east or, alternatively, enlist additional support for implementing the Western European movement. While the positions of these groups on developing international events cannot be foreseen with any accuracy, it is nevertheless true that their counsel will count for more in the degree that their support will be more needed by future chancellors. While Speier suggests that the weakening of NATO and the great power fear of atomic war are increasing Germany's bargaining power, it is also true that the emerging inflexibility of their decision-making process may prevent the West Germans from fully capitalizing on their new position.

The editors are to be commended for making these invaluable studies readily accessible to scholars. Together with Gabriel Almond's classic work, *The American People and Foreign Policy*, they have contributed a much needed dimension to a developing discipline.

MARTIN B. TRAVIS, JR.

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Huey Long's Louisiana: State Politics, 1920–1952. By ALLAN P. SINDLER, (Baltimore: Johns Hopkins Press. 1956. Pp. xv, 316. $5.50.)

Even in death, Huey Long maintains his grip on the popular imagination. Scores of books, articles, novels, and short stories have been written about Huey Long since his assassination in 1935. Several recent movies and a television play have retold his story to large and seemingly fascinated audiences. Huey, no doubt, would be pleased.

Professor Sindler, however, deplores this preoccupation with the Kingfish. "It seems fair to suggest," he writes in his Preface, "that most earlier writers, by implicitly adopting a 'great man' view of politics, have fallen short of a full understanding both of Louisiana politics and, necessarily therefore, of Huey Long as well." By concentrating on the politics of Louisiana during the Long era, Sindler tries to do justice to both. After an introductory chapter on pre-Long Louisiana, he settles down to the major task of the book, a detailed description of state politics between 1920 and 1952. From this description, presented with rich and often fascinating detail, three major themes emerge.

First, "Longite politics was an outgrowth of class tensions which Longism undoubtedly intensified but did not create." Ante-Bellum Louisiana was characterized by a most unenlightened "government by gentlemen"; the poor whites were overwhelmed by the Planter-Commercial alliance during the crisis of secession; the Populist Revolt in Louisiana was, when compared to that of other states, brief and abortive. Huey supplied the state's plain people with their first really effective leadership. This conclusion, of course, is not new. V. O. Key made the same point in his *Southern Politics*, with more comparative data and bolder theorizing than is to be found here. However (despite the difficulties of analyzing *class* voting patterns on the basis of *parish* election returns), Sindler supports this interpretation with new and persuasive evidence.

Second, most evaluations of Huey Long as a political leader are overly simple. Taking up, one by one, the arguments advanced by Huey's critics and admirers, Sindler subjects them to a cautious and balanced, but generally devastating analysis. Huey's supporters stress his achievements, yet "Long's performance reveals an undue concentration on tangible and showy benefits at the expense of civic education and perhaps in ignorance of the deeper economic and socia problems of his state and nation." On the other hand, the Anti-Longs tend to ". . . divorce Huey from his Louisiana setting and thereby exonerate [themselves] . . . from having contributed in any measure to the character of his regime." Nor can Huey be dismissed as just another demagogue. Unlike the garden variety Dixie demogogue he did not resort to Negro-baiting; his high

taxing and spending policies contrast sharply with those of most Southern spell-binders; and he *did* produce something for his followers besides emotional catharsis. Yet, "it would have been better for Louisiana," Sindler concludes, "if Long had been either the old-fashioned despot who dispensed with the legislature, the courts, and the ballot box or the hidden boss who pulled the strings via his office telephone. Either way would have been less demoralizing to Louisianans than Long's version of absolute power, which was lawlessness, not merely highly entrenched but highly visible and candid in its operation and enjoying continued popular endorsement."

Third, competition between the Long and Anti-Long factions within the Democratic party of Louisiana has served with "considerable effectiveness" as a substitute for two-party politics. Bi-factionalism within the Democratic party antedated Long, but he reoriented and sharpened this cleavage along class lines, thereby giving Louisiana a "well organized politics of rational interest-voting," which persists in diluted form to the present day. Long and Anti-Long "tickets" approximate party "tickets" in two-party states, voter identification with the two factions has much the same emotional power and stability as party preferences elsewhere. The significance of "friends and neighbors" voting and of purely personal followings is considerably less than in other Southern states. But bi-factionalism becomes increasingly fuzzy when it extends beyond state-office politics to congressional, senatorial, or parish races. Only during the days of the Kingfish did the factions approach the organizational thoroughness of a competitive party system; thus, perhaps, bi-factionalism can never hope to become "a quasi-party system without degenerating into factional dictatorship." Even Louisiana's relatively clear cut bi-factionalism, Sindler concludes, is not an entirely satisfactory substitute for vigorous party politics.

But it should be pointed out that most discussions of the relative desirability of two-party *versus* bi-factional politics are based on highly romanticized models of two-party systems. Certainly Professor Key's *American State Politics* suggests that when the present day political realities of two-party states are compared with those of a state like Louisiana, the differences between the two systems may not be large. It's high time that students of state politics produce empirical studies of two-party states as good as this one.

DONALD R. MATTHEWS.

University of North Carolina.

BOOK NOTES AND BIBLIOGRAPHY

AMERICAN GOVERNMENT AND POLITICS

Politics in the Border States. By JOHN H. FENTON. (New Orleans: The Hauser Press. 1957. Pp. vi, 230. $5.00.)

Only recently have political scientists discovered state politics. To be sure, state government texts have traditionally included a chapter on politics, which gives the date of the primary and reveals the number of members on the Republican State Executive Committee. Several serious attempts to lessen our ignorance of state politics have been made in the past ten years, and *Politics in the Border States* is a laudable contribution to this effort. Dr. Fenton's method combines history, painstaking analysis of election returns, and interviews with practicing politicians in Kentucky, West Virginia, Missouri, and Maryland.

Fenton's data reinforce the idea that American voters cling tenaciously to party affiliations and do not change parties capriciously from election to election. Party affiliation is largely an hereditary matter in the border states. Voters in the Appalachians and the Ozarks have been Republicans since the Civil War, and since the same date most lowlanders have been Democrats. Even when a county changes its party allegiance, conversion is not always the explanation. Population movement is also important; an influx of persons with the opposite hereditary faith may explain the shift. Yet a significant change in party loyalties came with the New Deal. The growth of unionization changed employees—coal miners and urban workers—who had formerly been receptive to the advice of their Republican employers, into good Democrats; and the solicitude of the Democratic Party toward low-income groups lured the Negroes away from the party of Abraham Lincoln. But the mountaineer, unless he was a coal miner, remained a loyal Republican. The New Deal did nothing to improve the miserable economic situation of these small, independent farmers, who manifest the deep conservatism of the isolated countryman.

The study contributes to our own understanding of the two-party system, a slippery term suggesting two parties competing on relatively equal terms for most state offices. This pure theoretical model is not even approximated in the border states, where, instead, a three-party system prevails. Democrats normally occupy statewide offices, but the real clash is among Bourbon Democrats, New Deal Democrats, and the Republicans. Bourbon Democrats are oriented toward southern traditions and white supremacy; liberal Democrats serve the interests of organized labor and the Negro. This contradictory combination is held together by what is termed the "state organization," a group of politicians dedicated not to ideology or policy but to the pursuit of patronage and spoils. The organization must bridge the clashing interests of Bourbons and liberals by putting up candidates not unduly repugnant to either element. In the primaries of all four states the organization finds its firmest support in the Republican counties where local Democratic leaders, controlling no county offices and dependent for survival upon state patronage, are steadfast in their loyalty to the organization. These primaries are, in practice, open primaries, in which organization Democrats are free to secure the assistance of local Republicans. This lack of integrity of the primary appears more widespread than elsewhere and of greater importance in the contest for power.

While the foregoing offers little comfort to those who hope for a rational party system based on issues, the book offers them one ray of hope. Fenton finds in all four border states a long-run trend toward the Republicans. He believes that prosperous Bourbon Democrats are becoming restive with the policies of the national Democratic Party and are reluctantly shifting to the party of the ancient enemy.—DONALD S. STRONG, *University of Alabama.*

The Defendant's Rights. By DAVID FELLMAN. (New York: Rinehart and Company. 1958. Pp. xvi, 356. $5.00.)

The cue to the following review may be indicated in a somewhat exaggerated paradox. While the reviewer, an academic lawyer, elucidates law from a philosophical and social science viewpoint, Professor Fellman, a political scientist, elucidates law from the viewpoint of most academic lawyers. 212 pages of his book deal with the constitutional law of criminal procedure—the law on arrest, preliminary examination, notice, fair hearing, habeas corpus, trial by jury, right to counsel, search and seiz-

ure, self-incrimination, double jeopardy, and cruel and unusual punishment. The fundamental guarantees of fair criminal procedure need to be clarified and understood; and Professor Fellman's dedication to the extremely important task of enlightenment is well known. He has read the cases carefully and his "briefs" are clear and accurate. For some purposes, perhaps especially for the beginning student, his book will be helpful as an initiation into the relevant legal vocabulary and decisions rendered in important cases concerning criminal procedure and the Bill of Rights.

But for those who seek a vivid, thorough introduction to this law, the book will offer little assistance. The facts of the cases are reported in the barest possible way, the problematical aspects of the Bill of Rights are ignored, and the social and philosophical significance of the procedural guarantees is hardly suggested. This, unfortunately, is true of almost the entire literature on the Bill of Rights. Traditional legal summarization gives an illusion of certainty. It also lacks the persuasiveness of historical reconstruction. the weight of empirical investigation, and the insight of discriminating critiques of the pertinent policies. Several books and essays—the product of American legal scholarship during the past twenty-five years—are available to illustrate the required types of socio-legal analysis.

The other principal comment that needs to be made concerns the last forty-five pages of Professor Fellman's book. In dealing here with Congressional investigations, deportation of aliens, and the issuance of passports (which obviously present quite different problems and procedures), Professor Fellman's contribution is to characterize the persons directly involved as "quasi-defendants." Like the rest of us, he has been impressed by the fact that Congressional committee witnesses have suffered social and economic losses, that deportation is a heavy sanction, and that refusal of a passport is onerous. This is also true of criminal sanctions. What, naturally, troubles Professor Fellman is that while defendants in criminal cases are adequately protected by the Bill of Rights (as he assumes rather than establishes), the so-called "quasi-defendants" have often been treated very unfairly.

But the analogy he employs can provide only a preliminary, crude hypothesis and, unless one is careful, it becomes a very misleading one. So far as appears here, nothing but confusion is generated by designating a witness in a committee hearing a "quasi-defendant" in a previously defined context where "defendant" means a person charged with the commission of a crime. This applies also to the applicants for passports and, although here current legal theory is less helpful, to deportation. No questions are even raised in the book concerning the variety of sanctions employed in modern legal systems and the diverse purposes they implement. Nor would the reader realize that there were any proper problems concerning loyalty (e.g., what are the valid interests of a democratic government *vis à vis* its employees, can loyalty be precisely defined and determined, and, if not, what are the alternatives?). So, too, as regards deportation and passports. All raise legal problems that need to be critically and significantly elucidated in ways indicated above.—JEROME HALL, *Indiana University.*

Not Guilty. By JUDGE JEROME FRANK AND BARBARA FRANK, IN ASSOCIATION WITH HAROLD M. HOFFMAN. (Garden City, New York: Doubleday and Company. 1957. Pp. 261. $3.75.)

The late Judge Jerome Frank's last book is another valiant attempt to awaken the conscience of the community to the inevitable presence of human error in the operation of the judicial process. *Not Guilty* describes 36 actual cases of innocent men who were found guilty, imprisoned, and later freed by judicial or administrative action. Like its classic predecessor, Edwin M. Borchard's *Convicting the Innocent* (1932), *Not Guilty* uses the dramatic force of these individual cases to make the reader acutely conscious of the tragic effects that may result from our failure to construct a fool-proof system of criminal justice. "Here is not merely an academic problem, or one for lawyers only. It is an intensely human problem that should be everyone's concern. A man in prison when he should not be there is brother to us all . . . ." (p. 38).

Using his extensive experience as lawyer and judge, Frank examines some of the defects in our judicial system which help to produce these miscarriages of justice, such as the misidentification of the accused; the use of perjured evidence; overzealous and at times unscrupulous prosecutors, interested in convictions at any cost; the use of the infamous third degree, particularly to extract confessions; and the inability of many defendants to hire a good lawyer. Although the high cost of obtaining justice severely handicaps the poor man, a less-known defect is the absence in

most states of a system of restitution or indemnity for those who suffer the errors of judges and juries. Frank and Borchard are in full agreement on the need for reform in this area.

Many of Judge Frank's suggested reforms are reminiscent of the ideas already expressed in his numerous writings; they include the creation of a trial atmosphere that will rid the courtroom of the "fight theory" and replace it with a hearing that will more accurately and dispassionately find the facts; systematic training of police in the traditions of due process, as well as modern crime detection; more careful selection and training of public prosecutors; and revision of the rules of evidence so as to eliminate as much as possible the inherently human weaknesses of the jury system.

Judge Frank was fully aware that laws and technical changes are not enough, even when they can be secured. " . . . No law will legislate human errors or vicious motives out of existence. The solution of the problem, so far as it can be solved, requires an aroused public interest that will evoke the best possible thinking and the most arduous efforts" (pp. 37–38).

Despite the weaknesses so graphically illustrated in *Not Guilty*, Frank finds that " . . . by and large our system works justly . . . ." (p. 249). But the existence of capital punishment is a sober reminder that some miscarriages of justice are irreversible. Only when such tragedies are reduced to a minimum, when " . . . the conviction of a man for a crime he did not commit will be as rare as a death by a falling meteorite" (p. 37), can we feel that our judicial system is a truly humane instrument of the ends of justice.—JULIUS PAUL, *Southern Illinois University.*

America's Advocate: Robert H. Jackson. By EUGENE C. GERHART. (Indianapolis: Bobbs-Merrill. 1958. Pp. xiii, 545. $7.50.)

This is the first biography of the late Mr. Justice Jackson to be published, and it will doubtless be the only one authorized by him personally. The subject of the book was a self-styled "country lawyer" whose Washington career included half a dozen major appointive positions during the two decades of the Roosevelt and Truman administrations. Jackson was a leading New Dealer in the late thirties whose perhaps not unwarranted ambitions for the Presidency and the Chief Justiceship had to be sacrificed upon the advent of World War II. Instead, he joined the Supreme Court as an Associate Justice. As the war drew to a close, he took leave of the Court for a year to organize and to serve as Chief Prosecutor at the trial of the Nazi "war criminals" at Nuremberg; it is ironic that the ending of the war, with his consequent absence from Washington, cost him his second opportunity to assume the Chief Justiceship.

A man who dies with great ambitions frustrated by fate is necessarily a tragic figure; yet Jackson was also a man of great successes. For twenty years, he was an outstandingly successful small-town lawyer and community leader. For half a dozen years, he built a reputation as a superb government lawyer and administrator; Frankfurter has quoted Brandeis as having said that "Jackson should be Solicitor General for life." For twelve terms, he served on the Supreme Court of the United States, and the brilliance of his opinions soon established him as a literary craftsman in the tradition of Holmes and Cardozo. His year at Nuremberg brought him international fame and respect. Such a man deserves better at the hands of his biographer than Jackson receives from Gerhart.

Jackson was, above all else, the soul of candor; and this is an idolatrous book. Hughes had his Pusey; Black had his Frank; and now Jackson has his Gerhart. It is unfortunate that so many writers of judicial biographies suffer from a compulsion to draw their subjects greater than life size, as though humanity were not big enough. The result is not convincing even as fiction, and these biographies purport to replicate real life. Thus, in Gerhart's book, the hero is an Horatio Alger type who encounters various unscrupulous, unprincipled, scheming men (such as Jim Farley, Frank Murphy, and Hugo Black) who are his antagonists and frustrators.

Gerhart did familiarize himself with the work of other contemporary judicial biographers, such as Mason, Morgan, and Swisher. Gerhart himself was trained, however, as a lawyer rather than as a historian. He does not appear to have been given anything approaching free access to Jackson's private papers and correspondence. He did, however, have stenographic transcripts of interviews with Jackson which took place from time to time in the last seven years of Jackson's life. Jackson also prepared memoranda for the author, which appear to contain Jackson's recollections concerning various subjects about which the author had raised particular questions. Gerhart interviewed several of Jackson's close as-

sociates and corresponded with others. One of these associates kept a diary, which was made available to Gerhart. Beyond this, he seems to have relied upon previously published accounts of the Nuremberg trial and of the New Deal era. All of these data are read, however, through the glass of Jackson's self-perceptions as revealed in the interviews and in his memoranda and speeches; and the image that is reflected is a caricature of the man.

Unfortunately, the book is also poorly written and very badly organized. Gerhart falls into the trap of accepting at face value Jackson's own estimate that "the hard months at Nuremberg were well spent in the most important, enduring and constructive work of my life." As a consequence, he devotes seven chapters of his book (152 pages) to a discussion of the Nuremberg year; and he allocates one chapter (19 pages) to Jackson's twelve years of work on the Supreme Court. The internal composition of chapters suggests that they may have been cut-and-pasted together. It is difficult to say what was the intended sequence of chapters, but the result certainly is not chronological. There are numerous internal inconsistencies, of which the references to the Jewell Ridge rehearing (p. 253) are typical.

The book does contain some, but limited, new information, based primarily upon the author's interviews with Jackson and the memoranda prepared for the author by Jackson. These otherwise unavailable data constitute the principal, if not the exclusive, contribution of this work; and these are essentially Jackson's contribution rather than the author's. It is doubtful that many persons other than specialists will find it worth while to tramp through the chaff for these occasional grains.—GLENDON A. SCHUBERT, JR., *Michigan State University.*

The Communist Party vs. the C.I.O.: A Study in Power Politics. By MAX M. KAMPELMAN. (New York: Frederick A. Praeger. 1957. Pp. xv, 299. $6.00.)

The study by Dr. Kampelman is of limited value. It is not an account of the relations of the Communist Party and the C.I.O. Rather, it is an account of how the C.I.O. expelled the Communists. Dr. Kampelman takes up the story in 1946 (three background chapters on the early years are skimpy and superficial) when the C.I.O. was first confronted with the dismaying fact that it could no longer live with the Communist unions, which, by that time, comprised almost forty per cent of the membership of the Congress. For two years, the C.I.O. leadership was indecisive, fearing the disruptive consequences of an open fight. Finally, in 1948–1949, prompted by the Communist support of Henry Wallace and the attack on the Marshall Plan, the C.I.O. moved for their expulsion. Dr. Kampelman's book documents the charges made by the C.I.O. against the Communist unions and shows how the divergent political loyalties inevitably came into conflict with union obligations.

Unfortunately, the book is not, as its subtitle states, a study in power politics. There is no effort to explain how the Communists, who had played such a puny role in the U. S. labor movement for seventeen years, were able, so quickly, to achieve their extraordinary power role. There is an inexplicable failure to discuss the expulsion of Earl Browder from the Communist Party in 1945 and the consequent switch to a left, "sectarian" line; yet it was this turn that isolated the Communists in the labor movement and forced such party-line stalwarts as Joe Curran of the maritime union and Mike Quill of the transport workers to stay or split with their erstwhile comrades. More than that, Dr. Kampelman accepts the stereotype of the Communists as a highly disciplined, monolithic group with a preconceived blueprint for the capture of labor unions; in support of this, he cites a party manual, written in 1928, on the organizations of nuclei and fractions as the basic technique of infiltration and control. Yet the extraordinary fact is that it was only when the Communist Party abandoned its "Bolshevik" tactics and organizational practices—and even dropped party fractions—that it was able to make any headway. The paradox is that "Bolshevization" was its undoing: by adapting to American realities, it had found access to mass organizations; when the line once again became sectarian, the Communist unions foundered. The hard truth, which is unpalatable to the C.I.O. leadership and destructive to the myths that have been created in recent years, is not that the C.I.O. drove out the Communists, but that the Communists cut their own throats. The why and how of that story is not treated—or, regrettably, even suggested—in Dr. Kampelman's book.—DANIEL BELL, *Columbia University.*

Diplomacy in a Democracy. By HENRY M. WRISTON. (New York: Harper and Brothers. 1956. Pp. 115. $2.50.)

Dr. Wriston will be known to a wide audience as the President Emeritus of Brown Uni-

versity, as a political scientist writing in the field of American foreign policy, and as the chairman of the Secretary of State's Public Committee on Personnel. What is now called "Wristonization" in the State Department has taken place in the wake of a report by the Committee on Personnel which faced the problem (among others) of integrating members of the Foreign Service and regular State Department employees into a single career service.

This slender volume consists of some amplification of a series of lectures given at the Associated Colleges at Claremont. It is commonly understood that published lectures have both advantages and disadvantages: e.g., quick reading *versus* sacrifice of depth of analysis. Clearly the author intends his words to influence public thinking on two important problems: the place of the professional diplomat in a democracy and the role of public opinion in the formation and execution of foreign policy.

Starting from the embarrassing spotlight and controversy surrounding the Foreign Service during the years 1949–1952 and the questions raised by the whole painful security and loyalty program, Dr. Wriston argues that neither democracy nor the particular structure of our government really slowed up the development of a career foreign service and are not today basically incompatible with an effective diplomatic corps. He admits that weak or misguided leadership or maladministration has undoubtedly hindered to some extent the growth of, and impaired the health of, a strong body of professional diplomats, but he insists that the major factor was the lack of an objective and publicly recognized need for such a corps. Once America's world position changed, and once the nation decided to build a Foreign Service, progress was as rapid and as sound as that in any other country, including Great Britain, usually offered as the model. This thesis is based on an analysis of developments since the founding of the Republic viewed in historical perspective. The author raises but does not answer this significant question: " . . . what relationship should he [the diplomat] bear to the public and to elected officers?" Nor is there time for him to analyze the larger problem of the tensions that may prevail between the requirements of true professionalization of a skilled career group on the one hand, and the requirements of public scrutiny and influence characteristic of democratic control on the other. While the broad statement that there is nothing "inherently" incompatible in the "structure of government" may be true under certain conditions, the crucial query is whether there are in fact existing features beyond maladministration that weaken the value of professionalization. For example, what happens to the skills of the career officer when he becomes a political official such as assistant secretary? Or, can the subtle impact of the highly qualified expert be resisted? Believing in both the professional diplomat and public supremacy over the expert, Dr. Wriston does not say how each is to be maintained without damage to the other.

In the second part of the book, the author insists on the need for renewed faith in American political institutions and for optimism about the prospects of democracy generally. It is postulated rather than explicated that in this country government and foreign policy are "actively controlled by public opinion." A brief review cannot do justice to a critical evaluation of his concept of the role of public opinion, particularly in view of his limited development of the concept. The chapters on public opinion seem to be saying two things: first, do not judge democracy by standards no government can meet; second, public opinion in a democracy can learn—as witness the foreign aid program.

One hopes that Dr. Wriston will write the more detailed logical sequence to this volume. Meanwhile most will approve his general intentions in these lectures.—Richard C. Snyder, *Northwestern University.*

Strategic Intelligence Production: Basic Principles. By Washington Platt. (New York: Frederick A. Praeger. 1957. Pp. xviii, 302. $4.00.)

What is now commonly called strategic intelligence is a field of activity and a body of knowledge that has been important in the United States for a surprisingly short time. One might say that it is a bit more than fifteen years old. There are now many experienced and some distinguished workers in it who have as much as ten years or more of continuous experience. There are thousands engaged in the work.

The book under review is the first one in the open literature dealing with strategic intelligence as a normal and permanent feature of government activity. The book is a sort of handbook on "how to do it." It does not argue that the work is necessary, as did the earliest books on the subject. It argues little about the faults or possible faults in the present organization and methods of intelligence work, as did

the earlier works, and also Hillsman in his book two years ago. It makes a landmark, in a sense, by simply taking for granted the need, the existence, the function, and purpose of strategic intelligence.

The account of how to produce strategic intelligence has considerable merit and success, not because faults are lacking in the account, but in spite of them. It deals with the important step from mere information to intelligence, and then runs on through the use of creative thinking, the employment of statistical method or probability analysis, and the employment of the social sciences. Then it discusses the problems of forecasting and finally adds an examination of the status of intelligence as a profession.

At many points the discussion is characterized by healthy horse sense. At some points it is profound and lucid. At many intervening points it seems superficial or naive. Sometimes distinctions are made, as between strategic and combat intelligence, at page 260, only to be ignored, as at page 271. There are occasional careless expressions, as when the author speaks of an assumed "ten defectors" on page 161, and then lapses into referring to "the 90 who remained at home," as if he were speaking in percentages. Or he offers a statement on the odds against picking the man who will be elected President in 1970, at only 500 to 1; which one might think low odds even if the year were a year when an election would occur. Yet the element of horse sense comes often to the rescue of otherwise unsatisfactory exposition, as when it is emphasized that most of the specific item events that occur are of low probability, and that curves covering economic or social trends seldom continue long in the same manner.

The treatment of creative thinking is surprisingly good and may have a healthy influence. It is rightly emphatic on the essential freedom required for the thinker if he is to abstract really good results out of the welter of information and under the pressure to find a quick and useful answer.

The treatment of intelligence as a profession is effective in noting the professional characteristics that are present and those that are not. It fails, however, to note some of the peculiar characteristics that must distinguish intelligence from the typical profession. The normal profession deals with one general subject area, so that there are chemists, or medical doctors, or lawyers. Intelligence, unlike the others, has to deal with all kinds of facts and has to use all kinds of scientific and scholarly method. Nobody can do it all, of course, but it remains that what constitute the common characteristics of intelligence work and of intelligence workers are of quite a different category from those in any of the typical professions. This is emphasized in the book, yet this reader at least felt that it was at the same time not fully appreciated, or not effectively analyzed. Operations research, upon which some slight comment is made, stands as the most similar instance, and is organized as a profession with a journal and meetings, yet differs from intelligence in having many sponsors or customers rather than only one. Both intelligence and operations research share the feature of time limits for pertinence and value of results and share a basic pragmatism. It remains a matter of difficulty to see just what sort of profession the intelligence workers can conceive themselves to belong to.

The significance of strategic intelligence against the background of the present swift advances in every kind of weapons technology and of the new phase of the cold war could well be given attention, as it was not. It might be hard, however, to find the man who could write a serious and effective treatment of that part of the subject for open publication. It would do more than any other one thing, however, to add to the picture, on a handbook basis, presented by this book. All faults or omissions aside, the book is the first handbook on the subject, it is a readable book, its most numerous and conspicuous faults are superficial, and it may be recognized as filling a useful gap in the slowly growing literature.—GEORGE S. PETTEE, *Operations Research Office, The Johns Hopkins University.*

Bipartisan Foreign Policy: Myth or Reality? BY CECIL V. CRABB, JR. (Evanston, Ill.: Row, Peterson and Company. 1957. Pp. 279.)

The most notable practitioner of bipartisanship once told a partisan audience that "it was not a carbon-copy process . . . . It was a meeting of minds. Thus we achieved substantial unity. Our Government did not splinter. It did not default. It was strong in the presence of its adversaries" (*Vandenberg Papers*, pp. 550 f.). So correct has this approach to policy come to be in the minds of the public and politicians alike that it is almost a "sacred cow" of American politics.

Bipartisanship, Professor Crabb readily concedes, has virtues. It contributes to the stability of American foreign relations by promoting unity between Congress and the White

House. It promotes the continuity of policies so essential to a democracy in competition with totalitarian systems. It serves as an effective tool in diplomatic negotiations by giving confidence that agreements reached will have the support of whatever party controls the Administration. It helps to overcome misimpressions left by extremists whose comments on foreign affairs may alarm foreigners who fail to comprehend the lack of discipline in the American party. It educates members of the opposition party to the realities of world politics. All these values, some of them very subtle, commend bipartisanship to both analysts and practitioners of its difficult arts.

In examining the liabilities of bipartisanship, too often overlooked, Professor Crabb asks three vital questions. Does the bipartisan process transfer much of the decision-making process in foreign affairs from the Executive to Congress? Is this consistent with the traditional constitutional pattern? Is such a transfer now desirable? There seems little doubt that, the more emphasis is placed upon getting the support of both parties for a given policy, the more the party in the White House will insist upon legislative influence, if not outright control. This results in a kind of "internal appeasement" by the President, who may thus be forced to adopt policies that may be inconsistent with his own view of the national interest. More basically, such abdication of power feeds executive enfeeblement. Where several groups are collectively responsible, no one is singly responsible: "in foreign affairs, if not in mathematics, the whole is different from the sum of its parts." Bipartisanship tends to restrict healthy debate and to discourage criticism, often when needed most. Rigidity grows out of the difficulty of finding two-party agreement, itself a time-consuming process which may produce policies already outdated by events. And may not *less* unity result from the failure of policies arrived at collaboratively? Real unity derives, not from the method whereby policy-decisions are made, but from the wisdom and effectiveness of the policies themselves.

To this reviewer, Professor Crabb's most telling arguments against bipartisanship lie in the fields of party and executive responsibility. As he says, "after the abuses have been catalogued, parties remain the most effective instrument for translating the popular will into governmental policy." Every issue tends now to become a foreign policy issue; if politics is to be eliminated in foreign affairs, where can politics, the exchange and competition of ideas about ways of governing, take place? And if the crying need of the day is leadership, does not bipartisanship undermine and hamstring the executive guidance and responsibility that survival requires?

This well-ordered and readable book achieves balance and keen perspective and makes a much-needed contribution to more intelligent foreign policy-making.—WILLIAM CLINTON OLSON, *Pomona College.*

The Art of Overseasmanship: Americans at Work Abroad. EDITED BY HARLAN CLEVELAND AND GERARD J. MANGONE. (Syracuse: Syracuse University Press. 1957. Pp. xvii, 150. $3.00.)

Distilling the wisdom and some of the wit of a Conference on Americans At Work Abroad held in March 1957 at the Maxwell School of Syracuse University, the authors of this thin volume tussle with the problems raised by the employment of some 100,000 American civilians in foreign countries. There is a well-written and informative chapter on American official and unofficial representation abroad and its recent growth; a report on the National Planning Association's recent study of those enlightened business concerns whose management has realized the necessity of growing into the social fabric of the foreign countries in which they operate; and an analysis of the problems and performance of the churches and the secular charitable agencies.

How does the American manage to succeed in the foreign environment? Several contributors conclude that he needs all the skills utilized in domestic employment, plus "Factor X," which varies but includes tolerance, an evident and sincere desire to work with one's "clients," a sympathetic understanding of local society, and a determination to assist in building institutions that will carry on long after the American has departed. How American universities will develop such qualities in their students is a difficult problem. Presumably this education must train the man professionally, whether for home or foreign service, and more broadly in the social sciences than usually happens; through language and area studies the student must develop an appreciation of human values in his own and other cultures, so that when in operation abroad— to be regarded as a lifetime career rather than as a brief tour of duty—he will function successfully.

The book makes no pretense to present research of the monograph type; it is uncluttered with footnotes, bibliography, or even index.

It is, however, highly readable and of natural interest to any student of those affairs that in the broadest sense are international.—Hollis W. Barber, *University of Illinois, Chicago Division.*

Some Observations on the Four Freedoms of the First Amendment. By Henry S. Drinker. (Boston: Boston University Press. 1957. Pp. 69. $3.00.)

These are the Bacon Lectures delivered at Boston University in 1955–56 by the senior member of the Philadelphia firm, Drinker, Biddle, and Reath. The author presents a scholarly, although necessarily brief, discussion of many issues involving the freedoms protected by the First Amendment. He approves the Dennis decision, disapproves the Thornhill decision bringing picketing under the "umbrella of the First Amendment," and hopes the preferred position doctrine is dead.

Connecting his observations on the freedoms of the First Amendment is Drinker's view that the Court has been "prone to take the easy course of citing these slogans—Clear and Present Danger; Picketing is Free Speech; The Streets are the Evangelist's Cathedral; Establishment of Religion; Wall of Separation—instead of the more difficult one of applying the Palko test to determine whether, in the particular case, any person has been arbitrarily deprived of a substantial right to exercise which is recognized as one of the basic and fundamental liberties inherent in our way of life" (p. 69).

Particularly interesting are Drinker's views on the Everson, McCollum, and Zorach cases. He thinks that inclusion of the establishment of religion clause in the Fourteenth Amendment is an unusual exception to the Court's decision not to accept the "incorporation theory" of its "libertarian" members. He believes the Court should have asked in these cases whether the program in question denied to anyone free expression of religious belief or denied equal protection.

American Democracy under Pressure. By Donald C. Blaisdell. (New York: The Ronald Press Company. 1957. Pp. v, 324. $5.00.)

This is a complete revision of the author's earlier *Economic Power and Political Pressures.* Blaisdell says that he was prompted to make the revision by the conviction that his earlier approach was too narrow, since he had failed to take into account social pressure as well as economic.

The author begins by considering the issue whether there is a general interest; he notes various arguments but does not himself offer an argument. He goes on to consider lobby regulation, the techniques of pressure groups, political parties, pressure group activity in the legislative, administrative, and adjudicative processes of government. Frequent reference is made to the work of well known group theorists and analysts.

The book is obviously addressed to a wide audience. The style is didactic.

Leading Constitutional Decisions. By Robert Eugene Cushman. (New York: Appleton-Century-Crofts. 11th ed. 1958. Pp. xx, 481. $3.75.)

In the eleventh edition of this famous collection, three new cases have been added: *Ullman v. United States, Watkins v. United States,* and *Yates v. United States.* The cases included in the tenth edition remain unchanged. In the introductory notes, references to recent decisions have been inserted and some material has been deleted, without changing the pagination.

The Fabric of Society: An Introduction to the Social Sciences. By Ralph Ross and Ernest van den Haag. (New York: Harcourt, Brace and Company. 1957. Pp. xv, 777.)

This is certainly one of the best books of this kind. The range is wide, of course, but is covered without the superficiality and oversimplification that beset efforts like this. Scholars familiar with the subjects discussed will find the book unusually readable. Political scientists may regret that governmental structures are omitted for the most part; but some disagreement over the question of inclusion and exclusion is inevitable in such a broad survey. Persons distressed by the low level on which many texts are pitched will find relief here.

The American Way of Government: National, State, and Local Edition. By Alfred de Grazia. (New York: John Wiley and Sons; London: Chapman and Hall. 1957. Pp. xvii, 973. $6.95.)

This new American government text is organized on the traditional pattern but with an unusual number of useful diagrams and figures. Chapters begin regularly with very simple descriptions of the most obvious and move on to more complex matters. The author, without making any special plea for "behavioral" approaches, manages to include insights and ob-

servations that may be loosely identified as "behavioral."

Southern Race Progress: The Wavering Color Line. By THOMAS J. WOOFTER. (Washington, D.C.: Public Affairs Press. 1957. Pp. xii, 180. $3.50.)

Here a Southern sociologist reflects and reminisces upon the "wavering color line" in the South. Dr. Woofter does not hesitate to condemn his fellow Southerners for their offenses against the Negro; but he also feels that behind the popular stereotypes of Southern behavior there lie some solid equalitarian accomplishment and a growing tradition of mutual cooperation between the races. It is this cooperation in the "orderly transaction of the day to day business of the community" that Woofter sees as holding the key to Southern race progress.

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FOREIGN AND COMPARATIVE GOVERNMENT

The First Labour Government, 1924. By Richard W. Lyman (London: Chapman and Hall. 1958. Pp. x, 302. 25 s.)

How quickly memories fail and are replaced by memoirs and documents is illustrated in Mr. Lyman's very interesting essay. How bad memoirs can be is illustrated also. The author can never have seen Asquith or MacDonald in the House of Commons, where he would have received that impression of majesty that no subsequent statesman has managed to convey, and his investigation is necessarily documented by a sheaf of autobiographies, all of them showing the stiffnesses of old age, and no first-rate biography at all, except Spender's Asquith. He is able to use Hansard and files of

publications also, of course, and he has an understandable inclination to rely on Labour publications. But if the parliamentary Labour party in the 20's was a collection of political curiosities, the Labour press of that time was almost as peripheral. Mr. Lyman has done a good work of reconstruction. but one gets the impression that he has rebuilt a skeleton with some of the large bones missing.

Analyzed topic by topic, as it is, the story of the Labour government is one of futility, though moderate praise is given to MacDonald as international conciliator. Apart from the problem of material, which is not the author's fault, he suffers a little from two unnecessary tendencies: to judge the first Labour government in the light of the impressive record of the matured set of ministers and the toughened and sophisticated party of the late 1940's and to try to make generalizations and to point conclusions, where perhaps none are possible and certainly where the evidence he has is insufficient.

The first Labour government was a very tentative and at the same time a very hopeful thing, to those who watched it closely. It was much more hopeful, just then, than the Liberal party, where the qualities of leadership were divided between Asquith, who had prestige and honor and respect, and Lloyd George, who had money and energy but nothing else. MacDonald's first government was not really a Socialist government nor a trades-union government but, as people said, a government of the Union of Democratic Control. Its ideas and its energy came almost entirely from the ex-Liberals who had been bitterly dissatisfied with the wartime coalition under Lloyd George. It failed to meet expectations because expectations were too great. What can any minority government do in a few months?

The reviewer remembers hours spent, during a 1918 air raid, in the basement of Westminster Central Hall, where Adamson, Mrs. Snowden, and Litvinoff wandered amongst hundreds of others, sent downstairs from an interrupted meeting, and Sir Charles Trevelyan sat huddled on a bench. A few years later these people were in power. They were the martyrs whose blood was the seed of the church. They failed, as all martyrs fail, and are incomprehensible to those who come later. Most incomprehensible of all today is MacDonald, whom all admired then, except perhaps Arthur Ponsonby, who had no great impression of his intellectual ability.

Great praise is due to Mr. Lyman for a pioneer work in the study of his subject, and for the scholarly care with which he has done it—and indeed for venturing at all into a field which Labour publicists have always hesitated to enter.—EUGENE P. CHASE, *Lafayette College.*

Welfare in New Zealand. EDITED BY K. J. SCOTT. (Wellington: New Zealand Institute of Public Administration; London: Oxford University Press. 1955. Pp. 130. $2.50.)

The history of politics consists in choosing between alternative solutions to social problems, and then in facing the subsequent problems which arise from the choice. A case in point is the concern for welfare, which has rightly been felt in the most advanced democracies of the modern world. Some of the smaller, progressively-minded democracies—in which group New Zealand belongs—have been pioneers in various measures of social service and social security and have a creditable record in making their programs comprehensive. Now, after a number of decades have been occupied with the political battles to establish these programs and with their later administrative application, it is possible to review the field of welfare with the advantages of perspective. What is now happening—and not only in New Zealand—is that those who are devoted to the welfare concept are able to survey some of its results in practice and are confronting the question: should welfare measures be further extended, or not?

This volume on *Welfare in New Zealand* consists of six papers (and a short appendix), presented and discussed at an annual convention of the New Zealand Institute of Public Administration. Of the authors, three are from the Faculty of Victoria University College, and the other three are civil servants in departments of the central government. Five of the contributors are clearly sympathetic to welfare programs, though they are well aware of certain difficulties, which they proceed to discuss. Only one, Mr. H. G. Miller, is hostile to the concept that the state must assume the major responsibility for welfare. His ideal society appears to lie in the Middle Ages, with its systems of hierarchy, church, family, and paternalism. He manifests uneasiness at living in the twentieth century. He is very much in favor of "character," which he thinks is spoiled by "welfare." Therefore he is unfriendly to welfare, particularly when governments provide it.

Of the remaining five, two very thoughtful papers are those written by Mr. K. J. Scott and Mr. J. V. T. Baker. Mr. Scott points out that there is little disagreement nowadays between the two political parties on the subject of welfare. Their arguments are relegated to matters of detail and mechanics. Or, as he puts it, "the initiative is passing from the politicians to the administrators." In some instances, he finds that welfare schemes intended to meet the cases of the most needy have resulted in the creation of a special kind of state-protected privilege, the most glaring example being in the field of low-rental public housing. Above all, he argues for a philosophy which, instead of making welfare antithetical to personal responsibility, would see to it that government programs enlarge the conditions in which individuals may search for and obtain their own satisfactions.

Mr. Baker writes about a topic more frequently discussed in generalities than carefully considered in the particulars. He inquires into the relation of welfare to economics, for, as he insists, the continuation and extension of welfare measures depend upon a high level of productivity and upon overall economic expansion. Welfare will call, not only for a more equitable sharing of the cake, but also for a larger cake to be shared. He, therefore, asks whether national productivity will increase in keeping with the figures of the welfare budget (especially when the care of the aged "accounts for well over a quarter of all welfare expenditure").

The other papers discuss such problems as the administration of the central departments, their relations with local authorities and with private welfare organizations, the training of social workers, and the need for a humane discretion in applying national statutes and regulations.

The arguments of this volume concern all of us who are looking ahead to the future development of welfare-state democracy. Can we maintain full employment and substitute a better incentive to work than the old nightmare of prolonged unemployment? In levelling up and providing for a minimal equality, is there a danger of too much levelling down and of sacrificing quality? Can we reconcile security with stimulus? If we ever attain the just society, are we doomed to stagnate? Would the finances of our welfare programs stand up to an economic collapse? This book does not answer these questions. But it shows that some New Zealanders in responsible positions are aware of their implications.—LESLIE LIPSON, *University of California (Berkeley)*.

Czechoslovakia: East Central Europe under the Communists. EDITED BY VRATISLAV BUSEK and NICOLAS SPULBER. (New York: Frederick A. Praeger. 1957. Pp. xvii, 520. $10.00.)

East-Central Europe under the Communists: Hungary. EDITED BY ERNST C. HELMREICH. (New York: Frederick A. Praeger. 1957. Pp. xiv, 466. $8.50.)

Even a brief joint review of these two volumes in the "East-Central Europe under the Communists" series of the Mid-European Studies Center is compelled to raise certain fundamental questions applicable to the entire undertaking. Primarily, what type of reading public were they designed for? Both of these books, but particularly the more significant and valuable contribution on Czechoslovakia, have to be viewed from a *triple perspective* of ultimate usefulness. They serve, first of all, as reference volumes in public and university libraries, then as handy and available guidebooks for the information of government agencies and the policy-formulation purposes of their officials, and—last and least—for actual academic use. On this point, the unevenness and the heavy, pedestrian style of writing are serious limiting factors, bound to restrict in the long run the applicability and significance of this series.

Further criteria to be introduced are those of timeliness and accuracy. Both volumes suffer considerably from an incredible overdose of obsolete and truly out-of-date materials. In effect, by painstakingly rewriting the history and political evolution of the first four and a half decades of this century, they do not justify the present sub-title of the series, but seem to be immersed instead in "East-Central Europe *before* the Communists!"

Although lop-sided and distinctly uneven in its treatment of political and economic materials since the Communist coup of 1948, the volume on Czechoslovakia nevertheless has some first-rate sections. Compressed into a mere two pages, there is a gem-like treatment of the complex problem of "Mass Organizations," and of the broader area of "Government and Party," and "Politics and Political Organizations." Dr. Ivo Duchacek contributed, in his customary high-level, professional manner, a sparkling section on "Education," which is the only chapter in the entire book placing a healthy emphasis on *recent* develop-

ments under Communism, as well as allotting sufficient space to the tortured, but immensely exciting, story of the past five or six years. While chapters on "The Economy" are in many ways the weakest in this volume, there is a useful discussion of Communist foreign economic policies, with multiple statistics underscoring the obvious, but important, principal conclusion that by 1953 "trade with the Soviet orbit represented 78% of Czechoslovakia's total foreign trade turnover" (p. 355).

In stark contrast with the vigorous editorial performance of the volume on Czechoslovakia, that on Hungary is both an enigma and a disappointment. In a brief preface, the editor hesitantly suggests that his "contribution has been largely limited to suggestions and routine editorial tasks" (p. ix). Why? As the logical result of this dubious assumption, a large number of disturbing factual errors (or typographical misprints?) and erroneous value judgments mar the usefulness of this particular volume. On page 14, within one paragraph, former Prime Minister Béla Imrédy—a fanatical fascist and the ranking war-criminal of the country—is described as a "conservative," while the historic name of his successor, Count Paul Teleki, is misspelled. Also, if we could not rely on better sources on the Communist takeover process, the structure, organization, and day-by-day life of the Hungarian Communist Party, our knowledge would be immensely limited indeed. The one-and-a-quarter-page description of the "Rise of the Communists" (pp. 80 f.), although repeated two or three times throughout the book, is certainly a unique attempt in our professional literature to analyze the intricate *Gleichschaltung* procedures of Stalinism.

To balance the adverse impression created by these grave shortcomings, the reviewer must point to the accurate, satisfactory, and interesting chapters by Professor Kertész (on "International Affairs"), by Dr. Juhász (on "Education"), Dr. Pisky (on "Labor"), and the carefully selected biographical sketches of leading Communist figures prepared by Mr. Róbert Gábor of the Free Europe Press.

It is evident, in conclusion, that the entire series would have benefited immeasurably had the relative standards of professional editing and overall appraisal been more uniformly and seriously applied. In terms of comparative levels of usefulness, accuracy, and timeliness, there is too profound a chasm and too disturbing a contrast between these two components of the same series of volumes.—ANDREW GYORGY, *Boston University.*

Behind the Rape of Hungary. By FRANCOIS FEJTÖ. (New York: David McKay Company. 1957. Pp. xv, 335. $5.50.)

A distinguished Hungarian journalist now exiled in Paris, Francois Fejtö has written a truly outstanding account of the tragic Hungarian revolution. This significant volume succeeds in bringing up to date his earlier major contribution to the understanding of contemporary Eastern European politics, *Histoire des démocraties populaires,* which examined the social and political fabric of the area on an across-the-board basis. By contrast, of course, *Behind the Rape of Hungary* is primarily a microscopic analysis of the climactic developments of the period 1945–1956 in the life of one of the helpless and fully satellitized "people's democracies."

Although this admirable study has few deficiencies, the reviewer is convinced that an uneven weighing of the primary events of this critical era detracts somewhat from its long-range usefulness. Fejtö is so anxious to paint an accurate background picture of the revolution itself that it takes him approximately 170 closely packed pages to get to October 1956. After reviewing the progress of the revolution in three brilliant chapters, he again falls short of expectations in a brief final section in which he hurriedly attempts to draw his conclusions on the relevance and global significance of the revolution. Unhappily the Conclusion itself is nothing more than a rather superficial journalistic fragment.

Fejtö is at his best in the penetrating analyses of the social and professional groups which on the one hand supported, and on the other helped to betray the Hungarian revolution. His shrewd remarks on the fascinating role of the peasantry ("the peasants dissolved most of the collective farms—70 per cent—and reconstituted the old peasant parties . . . *they often displayed a moving sense of brotherhood with the workers,*" p. 329, italics mine), for the first time place this particular social category into its proper revolutionary perspective. In appraising the tremendous courage of the writers, journalists, and large groups of students, as well as the varied behavior patterns of the leading personalities of the period, the author displays a keen insight into complex human motivations. On the other hand, there are occasional mistakes or naive misinterpretations in his profiles of Hungarian politicians. An excellent portrayal of Imre Nagy, including his abduction by Soviet officials, is clumsily balanced by the picture of János

Kádár, who emerges here as an honest and sincere patriot whose entire program "was formulated in the spirit of national and democratic communism, and was designed to please everyone" (pp. 260 f.).

These few flaws or minor misconceptions do not detract, however, from the overall value of this book. Movingly written and accurately documented, it ranks as the definitive work on the Hungarian revolution—at least within the limited historical perspective of the two years that have elapsed since the tragic October of 1956.—ANDREW GYORGY, *Boston University.*

Russia in Transition, and Other Essays. By ISAAC DEUTSCHER. (New York: Coward-McCann. 1957. Pp. viii, 245. $4.50.)

This is a collection of Mr. Deutscher's essays and book reviews. The last section contains some new material on the Soviet Union since Stalin's death. The essays are of uneven quality and have not worn well under the rapid obsolescence that time inflicts. The reviews of "The God that Failed" and Orwell's "1884" seemed arrogant, condescending, and, in the case of Orwell, beside the mark when published. Now the latter has lost further in stature, for, after Khrushchev's secret speech so explicitly confirmed Orwell's picture of the "Ministry of Truth" and the "memory hole," it seems absurd to take seriously the transparent fictional device that what was being satirized was the British wartime Ministry of Information.

Of the ten essays that Deutscher has seen fit to subject to the more exacting standards by which printed matter in hard covers is measured, only two now seem able to withstand critical scrutiny: one on "Socialist Competition" and the other a BBC Third Program talk on "Marx and Russia." Particularly the latter is thoughtful and well organized; for those who cannot read Russian (in which alone, until now, the full correspondence has been available), the letters of Marx and Engels to nineteenth-century Russians have been utilized in a lucid and informative manner.

Part Four bears the same title as the book itself and begins with an essay also entitled "Russia in Transition." It contains an essay on the Sixth Five-Year Plan, dated since the plan has been altered to a point that makes it unrecognizable; an essay on "The Post-Stalinist Ferment of Ideas," written in 1954, and also somewhat the worse for the return from "thaw" to "frost." The article on "Russia in Transition" is of interest chiefly as a characteristic statement of Mr. Deutscher's own ideas on the direction in which the Soviet Union must "inevitably" evolve.

The article on Khrushchev's secret speech, however, is in a class by itself. The speech deliberately moved in circles, touching again and again on the same points and never following through, but Mr. Deutscher uncovers the real outlines of the unexpressed underlying thought, provides system and development, and even lays bare the feelings that must have possessed the speaker and his audience. Mr. Deutscher's own characteristic ideas that Stalin is very like Napoleon or Cromwell, that Russia needed barbarous methods to cope with its "barbarism," and the like, are forgotten. In their place comes a peculiar empathy with the speaker, an awareness of surface thought and underlying thought, an ability to communicate the strange character of the address by one of the "best disciples" or accomplices, seeking to unburden himself of responsibility by blaming the dead leader, without at the same time undermining the very system of Stalinism on which Khrushchev proposed to build. Mr. Deutscher has not written so well since *The Prophet Armed.* Perhaps we have here the key to what repels in the dogmatic if partly bowdlerized Marxism-Leninism with which the author approaches most of the topics treated in this collection. When Mr. Deutscher feels a sympathy with his subject—Trotsky in *The Prophet Armed* or the turmoil in Khrushchev's breast as he undertook the delicate task of partial destalinization—he writes with insight and understanding. But when he writes about general political and social developments in Russia, a feeling of sympathy with the plight of the ordinary Russian is lacking.—BERTRAM D. WOLFE, *New York City.*

Chinese Thought and Institutions. EDITED BY JOHN K. FAIRBANK. (Chicago: University of Chicago Press. 1957. Pp. xiii, 438. $8.50.)

This volume is one of the series of comparative studies of culture and civilization edited by Robert Redfield and Milton Singer, the second in that series to deal with China. *Chinese Thought and Institutions,* like its precursor, *Studies in Chinese Thought,* is a product of the group now known as the Committee on Chinese Thought of the Association for Asian Studies, which since 1951 has been concerned with the study of the role of ideas in Chinese society and history. These essays, by thirteen historians, were presented and discussed at a conference in Laconia, New Hampshire, in 1954, with a sociologist, Dr.

Bernard Goldhammer, in attendance. The constituent papers are highly individual productions, dealing with assorted aspects of China's intellectual development, but they show a high degree of agreement in point of view toward the history of Chinese thought. Benjamin Schwartz in his "Preliminary Reflections" lucidly states the concepts that they share. While admitting the merits of the usual "history-of-ideas" approach, he prefers a "focus more on ideas within the context of men's responses to their life situation," which results in a combination of thought and institutions in the title and the content of the book. A first glance at the table of contents gives a very miscellaneous impression; the topics dealt with range from early Chou to late Ch'ing and from astronomy to art. Yet with a little stretching they can be and are all grouped under two main headings, "The Role of Ideas in the Exercise of State Power" and "Thought and Officialdom in the Social Order." The quality of the essays varies, but, despite the modest disclaimers of several of the writers, the book includes substantial pieces of scholarship as well as first ventures into previously neglected areas. This reviewer found particular interest in Fairbank's discussion of "Synarchy under the Treaties" and Levenson's treatment of "The Amateur Ideal in Ming and Early Ch'ing Society: Evidence from Painting," but to other readers other papers might have greater attractions. Fairbank's opening comment is worth quoting here: "Rather surprisingly, these studies have been produced by historians, with some sociological assistance, rather than by political scientists. The latter, though in a discipline which seems not to be moribund, have generally succeeded thus far in avoiding the challenge of the Chinese political record." Perhaps some of the readers of this journal will be moved to pick up the gauntlet thus thrown down. In the meantime, even political scientists should be grateful that from this marriage of history and sociology has issued a useful collection of political studies.—Meribeth E. Cameron, *Mount Holyoke College.*

Rechtsradikalismus im Nachkriegsdeutschland: Studien über die "Sozialistische Reichspartei" (SRP). Schriften des Instituts für politische Wissenschaft, Band 9. By Otto Büsch and Peter Furth. (Berlin: Verlag Franz Vahlen GmbH. 1957. Pp. ix, 309, DM 27.00.)

This work, consisting of two monographs, is doubly welcome: first, for its own excellence, and, secondly, because it helps to correct the critical unbalance in our information on post-war German "right radical" movements and thought. The papers of Büsch and Furth, though covering only a small area, are a promising beginning in the movement away from impressionistic, often propagandistic, journalism towards serious empirical investigation and analysis of nationalist radicalism. As the subtitle of the book indicates, it is not a study of "*Rechtsradikalismus*" as such, but of only one, though a most dramatic one, of its manifestations.

Dr. Büsch is the author of the first study, a two-hundred-page monograph on the genesis, organizational structure, and political activity of the SRP. The description and analysis are based entirely on the vast quantities of documents that the court ordered seized in a surprise search of all SRP offices and of the homes of the party leaders in the course of the prosecution of the SRP in 1952 before the Federal Constitutional Court on charges of "unconstitutionality." The quantity of documents and their often confidential character permit insights into the structure of party organization and leadership selection and functions and into the relationship of the leadership to lower levels of the party bureaucracy. Thus this case study is important not only to the expert on German "right-wing" politics, but to the student of comparative political parties as well.

The second monograph, by Dr. Peter Furth, deals with the ideology and propaganda of the SRP. The level of sophistication reached by Furth exceeds by far anything that has so far been written on the ideology of post-war German nationalism. Of especial interest to the student of German nationalist thought will be the discussions on the ambivalence of "national opposition" and "restoration," two key concepts in the ideological armory of the "Neo-Nazis."

The only fault of the book lies in the stringency of its self-imposed limits. One could have wished, for instance, that Büsch had not excluded so rigorously all mention of the personnel and organizational connections of the SRP with the scores of other right radical groups and parties. Also, if the strength of the analysis of the organization of the SRP lies in the exclusive reliance on "captured" documents, it was bought at the price of inadequate documentation of the developments after January 31, 1952 (the date of seizure). Similarly, the account of the efforts to salvage the membership and voters of the SRP for a

camouflaged successor organization after the prohibition of the party could have been far more ample had a really intensive search for primary source materials have undertaken.—KURT P. TAUBER, *University of Buffalo.*

The British Statute Book. By CHRISTOPHER HUGHES. (London: Hutchinson University Library; New York: Rinehart and Company. 1957. Pp. 158. $1.50.)

The title of this sprightly little book is a misnomer. It is by no means merely a dry commentary on the publication and structure of laws; indeed, it is scarcely about the laws at all, but rather about the process, political and legislative, by which laws come to be made and thus put into the "statute book." As the author says, it is "on the borderline of jurisprudence and politics"; it ought to be of interest to students of both. Clearly, students of British or comparative government will find it fascinating.

Mr. Hughes starts with nomenclature, then describes the various types and forms of bills, deals with draftsmanship, enactment, and interpretation, and casts a sideways look at several other related if peripheral problems. He takes pains to comment on the true role of the Lords, on the question of codification, and on the problem of delegated legislation. In fact, he explains a surprising lot in a mere 134 pages of text, and he explains it with a grace and ease that are both skillful and charming. While certainly no treatise, this fine little volume will be read with profit by political scientists for a long time to come.

King and Commons, 1660–1832. By BETTY KEMP. (London: Macmillan and Company; New York: St. Martin's Press. 1957. Pp. vii, 167. $4.50.)

This book examines the system of balance in British government during a period in which the King was still in politics and Commons had not yet come under the mastery of an extended electorate. Compromise and custom were the pinions of this balance: the King being restrained from using his full powers over Commons (including that of dissolution) and Commons, for its part, accepting in its ranks the presence of the King's retainers (his Placement).

This system of working-compromise was in apogee from 1716–1783, and the author mines her materials very carefully so as to offer a three-layer analysis: the origins and growth of the system; the operation of the system at its fullest; and the system's decline in the period from 1784 to 1832.

Parliament. By SIR IVOR JENNINGS. (Cambridge: At the University Press; New York: Cambridge University Press. 2nd. ed. 1957. Pp. xi, 573. $8.50)

To the first edition of his authoritative book, Sir Ivor Jennings has added a new short chapter, "Nationalized Industries," and new sections in two chapters: one on members of the House of Commons as professional politicians, the other on statutory instruments. The added section on members of the House takes account especially of the studies of Ross and Butler. The organization of the book is otherwise as in the first edition. Although many sections have been rewritten, the major emphases and most of the illustrative material remain as they were.

Goldwin Smith: Victorian Liberal. By ELISABETH WALLACE. (Toronto: University of Toronto Press. 1957. Pp. x, 297. $5.00.)

This is an entertaining study of one of the early architects of the British Commonwealth and of the unity of the English-speaking world. Goldwin Smith was a journalist, a professor, and a pamphleteer; his prodigious writings influenced thought in both England and America and Miss Wallace has drawn upon not only his formal writings, but also his vast correspondence with the great and near-great of both worlds, to build the first biography of one of the Victorian period's most interesting figures. Born and educated in England, Smith lived most of his adult life in Canada and the United States. He was a prolific writer of articles and editorials and did his (not always successful) best to interpret each nation to the others. Perhaps more than any of his contemporaries, he had a clear perception of the significance of the common traditions of the English-speaking world, and he worked throughout his life to create sympathy and understanding among its peoples. Miss Wallace's study is the first serious effort to examine Smith's life and ideas (the two sections into which the book is divided) and her volume should be very well received.

Modern Italy. By MARGARET CARLYLE. (London: Hutchinson University Library; New York: Rinehart and Company. 1957. Pp. 159. $1.50.)

Although written as a brief survey of Italian politics and society, there is a good deal of hard

and careful thought in this book. The focus of inquiry is Italy's population and poverty and, from this center, the author limns the governmental system, its parties, and the role of Catholicism in Italian politics and returns in the later chapters to consider the Italian standard of living, its prospects for being raised, and its relationship to the political system. There is a no-nonsense style of writing here; and yet, interspersed with statistics, there is also a generous sprinkling of the author's own wisdom and wit concerning Italy's problems. Thus, in the chapter on Education, after describing Italy's wrestling with the problem of an intellectual proletariat, she concludes: "It is easy to criticize parents, particularly parents in south Italy, who despise practical avocations like engineering and agriculture for their children; but many of Italy's most remarkable thinkers and statesmen have come from the south, and the mountains of Calabria like those of Scotland seem to produce men who are willing to accept low living if they can be trained for high thinking."

Die politische Rolle der Frau in Deutschland: Eine Untersuchung über den Einfluss der Frauen bei Wahlen und ihre Teilnahme in Partei und Parlament. By Gabriele Bremme. (Göttingen: Banderhoeck and Ruprecht. 1956. Pp. 288. DM. 18.80.)

This study is a detailed examination of the voting participation and voting behavior of women, of the participation of women in party and parliamentary activity, and of the institutional and sociological factors affecting this behavior and activity. It covers the period of the Weimar Republic and the Bonn Republic through 1955. The author regards the work as a preliminary contribution to the study of parties as institutions (with the study of the role of women in these institutions as one possible guide to an understanding of party character), and also as "a starting-point for practical political action." While women have reached substantial equality with men in exercise of the franchise, their role in party organization and activity is substantially limited—even at the local party levels; the situation is not greatly different from that during Weimar.

India: The Awakening Giant. By W. S. Woytinsky. (New York: Harper and Brothers. 1957. Pp. xv, 201. $3.75.)

"India is on the right track. She has a chance of overcoming poverty and becoming a prosperous modern nation." Such is the author's reply to an Indian's query about the future of his country. To W. S. Woytinsky, an economist with considerable experience in government posts, India appears as an "awakening giant," anxious to run about and disinclined to heed the advice of those who caution him against falling. Woytinsky's approach to India's problems is both sensitive and sympathetic, and this, curiously, seems to weaken the very parts of the book that seem to be based on most expert knowledge. For his discussion, in the chapters on village life and social welfare, of the ideological confusion and political discord that are characteristic of India is highly informative. It is the analysis of the economic development schemes, particularly the Second Five Year Plan, that seems to suffer most from an excess of zeal, for recent government reports show that the problem of inflationary price trends and the need for capital are not to be resolved as easily as the author suggests. It may be correct to say that India has a chance of becoming a prosperous state, but it is difficult for the present to accept Woytinsky's estimate of how great that chance really is.

Israel and the Middle East. By Harry B. Ellis. (New York: The Ronald Press Company. 1957. Pp. vii, 260. $4.00.)

In this companion piece to his *Heritage of the Desert* the author continues to probe and examine the complex economic, historical, and emotional problems that plague the Middle East, this time from the standpoint of Israel. His familiarity with his subject is evident in his impartial treatment of the origins and nature of the Arab-Israeli dispute. He writes feelingly of the forces that are complicating and embittering the relations between Arab and Jew: militant nationalism, conflicting claims to the same territory, the desire for economic betterment, and Zionism. The book goes a long way towards clarifying the tangled background of the tragic struggle in the Middle East.

Egypt. Edited by George L. Harris. (New Haven. Human Relations Area Files. 1957. Pp. xii, 370. $8.00.)

This book on Egypt is one of the "Country Survey Series" published by the Human Relations Area Files. The research and writing was done by an interdisciplinary team that succeeded in producing an able and well-integrated description of "modern" Egypt. The writers accomplished their purpose, which was to "analyze the dominant sociological, polit-

ical, and economic aspects of a changing society as a whole, to present that society's strengths and weaknesses, and to identify the patterns of behavior characteristic of its members." No significant aspect of contemporary Egyptian society has been neglected. The analyses and interpretations may be brief—understandably so in view of the scope of the subject and the size of the book—but they are competently done. The absence of documentation is offset by a good bibliography. A proper index would be more helpful than the "Index of Topics" that merely spells out the contents of each chapter. More objectionable is the price, which seems exorbitant for a multilithed book of moderate length. Surely $8.00 entitles the reader to maps that are more informative and less tantalizing.

The Philippine Presidency. By JOHN H. ROMANI. (Manila: Institute of Public Administration, University of the Philippines. 1956. Pp. x, 237.)

The author is of the opinion that the history of the Philippine presidency is largely one of adjusting the American model to the requirements of Filipino political tradition. He postulates two hypotheses in his analysis of the office: the concept of the separation of powers is not in keeping with Filipino theory; the character of a strong, almost irresponsible presidency as established by the Philippine Constitution reflects traditional Filipino thought about the role and position of the executive in the structure of government. These hypotheses are examined in a somewhat conventional treatment of the roles of the President: chief executive, chief of state, chief administrator, chief diplomat, chief legislator, chief politician, and national leader.

The Mexican Government Today. By WILLIAM P. TUCKER. (Minneapolis: University of Minnesota Press. 1957. Pp. xii, 484. $6.50.)

Persons interested in Latin American affairs will hail this addition to the expanding series of monographic studies of various Latin American countries made by American scholars. In this volume, the governmental system of Mexico is subjected to a thorough analysis, in which all its major political institutions and processes are considered. In a very good chapter on background, the reader is acquainted with the physical and social factors of Mexican politics. The author goes on to discuss the structure and organization of the government, its domestic and foreign policies, and its welfare activities. A chapter is devoted to the states of the Mexican federal system and to their subdivisions. In a final chapter, the author states his conclusions about the future of democracy in Mexico.

British Parliamentary Democracy. By SYDNEY D. BAILEY. (Boston: Houghton Mifflin Company. 1958. Pp. xi, 281. $2.85 paper.)

This is a well written, lively introduction to British government, which combines an acknowledgment of the importance of historical background with an emphasis upon the present-day operation of the system. Much of the illustrative material is fresh, interesting, and to the point.

Rhodesia—Nyasaland, Catalogue of official publications. By THE FEDERAL INFORMATION DEPARTMENT. (Salisbury, Southern Rhodesia: Federal Information Department, 1957. Pp. 30.)

A combined list of all the available publications of the Governments of Northern Rhodesia, Southern Rhodesia, Nyasaland, and the Federation of Rhodesia and Nyasaland, indicating where they are procurable.—J.B.C

SELECTED ARTICLES AND DOCUMENTS ON FOREIGN AND COMPARATIVE GOVERNMENT

HIRAM M. STOUT
Washington, D. C.

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INTERNATIONAL LAW AND RELATIONS

System and Process in International Politics. By Morton A. Kaplan. (New York: John Wiley and Sons. 1957. Pp. xx, 283. $6.50.)

This study is an ambitious and provocative attempt to provide "a systematic theoretical analysis of international politics." The key concept is "system" of action, defined as "a set of variables so related, in contradistinction to its environment, that describable behavioral regularities characterize the internal relationships of the variables to each other and the external relationships of the set of individual variables to combinations of external variables" (p. 4). This definition, in addition to spelling out the basic concern of the book, accurately reflects its tone and its literary style.

Professor Kaplan postulates six "international systems," of which only the first two have had historical reality: the "balance of power" system, the loose bipolar system, the tight bipolar system, the universal system, the hierarchical system ("in its directive and nondirective forms"), and the unit veto system. Operating within each of these are a number of "processes," of which the "regulatory," the "integrative," and the "disintegrative" are the most important. The author elaborates a set of hypotheses concerning the impact of the processes on each system.

The volume concludes with a short section on "Values," a much longer one on "Strategy" (primarily a summary of game theory and the mathematics of strategy), and a final chapter on "Unified Theory." Appendices covering "The Mechanisms of Regulation" (almost entirely psychological) and "The Realm of Values" (a brief logical-psychological *exposé* of value theory) are included.

Professor Kaplan has produced a work marked by the rigor of its method, the precision of its categories, and the grandeur of its scope. He has attempted to bring all of international politics within the bounds of a single scheme and to establish criteria by which to analyze and judge events in the real world. His effort has been a noble one, and those interested in further progress toward a "science" of international politics will long remember and be grateful to him.

There are many striking insights in these pages, much that only someone sharing Professor Kaplan's own training in the behavioral and allied sciences can properly evaluate, and much that invites open disagreement. Quarreling with him on specifics, however, would be captious; he stoutly maintains that he has merely suggested some models, later to be validated or scrapped as research tests them. Since this reviewer has not done any of this research on these models, any disagreements he has with them become irrelevant.

One question, however, remains. This book is one of the most elaborate examples of the spate of "theoretical models," "analytical frameworks," "conceptual schemes," and other such formulations that has appeared in recent years to confound the journeyman academic specialist in international relations. Each of these suggests many promising lines of research. In the meantime, most of the research receiving publication today either mines the non-systematic (and blessedly non-controversial) lode of diplomatic history or else sips of the heady wine of policy recommendation. Who, one is tempted to ask, is minding the store; who is doing the empiric work that will tell us which of these many notions is a guide to the world of real men and which lead only to Never-never Land? A more intimate relationship between the "thinkers" and the "counters" would seem to be needed before we can perceive the promised land of "science."

Professor Kaplan's model-building enterprise is a first-class work; it merits as much detailed study as anyone might care to put into it. But it must be *studied;* unfortunately, it cannot be *read.* The author's concern with a high degree of precision has led him to perpetrate many semantic sins. Is there no escape? Must the search for explicit terminology and exactitude in discourse lead always to a literary style so prolix and convoluted that only the most dedicated reader will persist to the end?—Charles O. Lerche, Jr., *Emory University.*

A Proposal: Key to an Effective Foreign Policy. By Max F. Millikan and W. W. Rostow. (New York: Harper and Brothers. 1957. Pp. xi, 170. $2.75.)

Millikan and Rostow are the director and a senior staff member of the Center for International Studies at M.I.T., where notable work is being done on the economics and politics of development. Their thesis in this book is that a much-expanded long-term program of American participation in the economic development of the underdeveloped areas can and should be one of the most important means for furthering the purposes of American foreign policy. They have subsequently carried their

argument further and brought it up to date in "Foreign Aid: Next Phase," an article in *Foreign Affairs*, April, 1958.

The core of their *Proposal* is that the United States—in participation with other developed nations, and making use of both bilateral and multilateral agencies and both public and private capital—should assure every underdeveloped country of the Free World that it can obtain as much capital, by loan or grant, as it can use *productively*. The amount of capital required under strict criteria of productivity, the authors hold, would not be impossibly large. They estimate that the additional capital inflow into the underdeveloped countries from all sources, if their plan were applied, would be 3.5 billion dollars annually as a maximum. Over four-fifths of this could be loans. The capacity to absorb outside capital productively is fairly low in countries at the initial "precondition" stage of development, while countries in the later stages of "self-sustained growth" are able to generate their own capital. It is the intermediate stage, the transitional period of a decade or two described by the authors as "the take-off into self-sustained growth," in which needs for outside capital are at their peak. This is the stage in which India, to cite the most important example, finds itself today.

To receive substantial amounts of capital, a country would have to show that it has a consistent national development program, the managerial and administrative personnel to implement it, and effective ways of mobilizing the country's own national resources, including a high rate of savings for development. These criteria, the authors suggest, should be applied under a system of international consultation. Outright international administration they reject, after adducing weighty argument in its favor; the overriding consideration is the realistic one that the United States Congress probably would not vote the needed funds to an international agency.

One can doubt, as this reviewer does, that the formula of productive use is capable of giving as definitive or objective answers as Millikan and Rostow seem to imply to such questions as the amount of development aid that should be allocated to each country and the total amount the United States and other capital suppliers should make available. Nevertheless, it is a good political formula, sound in principle and likely to provide better guidance than other formulas or no formula at all.

A great merit of the Millikan-Rostow approach is its stress on the point that American interests are most truly served by *effective development* in those countries that want development under independent, democratic auspices—not by attempting to attach "strings" to development aid for the sake of short-range political or other advantages.

The book is valuable not only for its concrete proposal, but also for its analysis of American interests and its discussion of fallacies and pitfalls in current controversies over "foreign aid." The economic and political thinking behind it is of a high order. The presentation is lucid and straightforward.—EUGENE STALEY, *Stanford Research Institute.*

The United States in World Affairs, 1955. By HOLLIS W. BARBER. (New York: Harper and Brothers for the Council on Foreign Relations. 1957. Pp. xii, 346. $6.00.)

Professor Barber has caught the essential flavor of the year 1955 in describing it as a year of mixed hope and apprehension for the West—hope stimulated by the relative absence of shooting war and by conciliatory gestures in Soviet diplomacy, particularly as manifested at the summit conference in July; apprehension resulting from the increase of Soviet influence in the uncommitted areas, notably in the Middle East. Although he finds the *leitmotiv* for the year in the slogan "relaxation of tensions," the author is appropriately skeptical of the basis for this relaxation, pointing out the spuriousness of the "spirit of Geneva" when measured against the continued Soviet unwillingness to negotiate seriously on such major issues as disarmament and German unification. He suggests, less convincingly, that our own contribution to this "spirit" may have encouraged the Soviet Union to proceed more boldly with its campaign of infiltration of non-European areas. The enhancement of Soviet status and influence in these areas, highlighted by the sale of arms to Egypt, Soviet support of Arab attitudes toward Israel, economic penetration of India and Afghanistan, and the Krushchev-Bulganin tour of South Asia, is a leading theme of the book. The major diplomatic achievements of the West in these regions—activation of the SEATO and Baghdad pacts—are seen as contributing little to stem, and perhaps even assisting, the Communist advances.

Gains for Western diplomacy are counted chiefly in Europe, where the revitalization of the Western European Union, the conclusion of an Austrian treaty, and the accession of West Germany to NATO satisfactorily resolved issues of long standing. Other subjects

given prominent attention are the change of command in the Kremlin, the Formosa crisis, the fall of Peron in Argentina, the economic side of American foreign policy, disarmament, and developments in the United Nations. The book is perhaps weakest in its treatment of U. S. military policy, which is unduly brief (eight pages) considering the importance of the subject, and also rather unperceptive. In general, however, the volume maintains the high standards of scholarship and lucidity that we have come to expect in this annual series.—GLENN H. SNYDER, *Columbia University.*

Les conditions du procès en droit international public. Bibliotheca Visseriana Dissertationum Ius Internationale Illustrantium, Vol. XIX. By MAARTEN BOS. (Leiden: E. J. Brill. 1957. Pp. xvi, 344.)

In this revised French version of a work first published in Dutch in 1951, Doctor Bos subjects to close logical analysis what he calls "conditions of process" in international tribunals. The term "conditions of process," admittedly new, is used to designate conditions the satisfaction of which is necessary to enable the tribunal to pass on to the merits of a dispute. These conditions include the jurisdiction, competence, and capacity of the judges; the capacity and interest of the parties; the existence of a dispute; the communication to the tribunal of the subject of the dispute and of the nature of the claim; previous exhaustion of local remedies; absence of undue delay in the presentation of the claim; and absence of *lis pendens* or *res judicata*. The author also considers the manner in which the tribunal determines the fulfillment of these conditions and the legal effects of non-fulfillment.

The author's approach is highly formal. The first chapter is devoted to the formulation of the general principles of "conditions of process" on the basis of a comparative study of these conditions in the national legal systems of several European states. The bulk of the work consists of an examination of the statutes, rules, and practice of two types of international tribunals—the International Court (including both the P.C.I.J. and the I.C.J.) and the Mixed Arbitral Tribunals set up under the peace treaties of 1919–1923. In this examination, the author uses the general principles formulated in the first chapter as a yardstick to measure the logical adequacy of the handling of "conditions of process" by the tribunals.

It is clear that this book will be of little interest to the political scientist who is not directly concerned with the technical aspects of the international judicial process. This is "lawyers' law"—and Continental lawyers' law to boot. Although the author does not entirely ignore English procedure in the formulation of general principles, his references to English sources are rather casual and do not evince much understanding of the differences between the Anglo-American and the Continental legal systems. His conceptual framework and terminology are entirely Continental, and many of the terms used are not susceptible of exact translation into English.

Logical analysis and clarification of the principles of the international judicial process are needed if the refinements of a modern legal order are to be brought into Hall's "rough jurisprudence of nations." To this task the author brings legal erudition, logical ingenuity, meticulous attention to detail, and a judicious spirit. His faults are those of extreme conceptualism. Distinctions are elaborated without much regard for their practical value. Unexplained significance seems to be attached, for example, to such matters as the formal designation of the parties before the International Court as certain states or as the governments of those states. The author's reliance on national legal systems as the source of his general principles is not balanced by a proper regard for the environment in which international tribunals have to operate, and particularly for the importance of the consent of the parties as the source of their powers. As a result, some of his strictures seem captious, as, for example, his criticism of the International Court for its willingness to restrict its decisions to the alternatives presented by the parties in their pleadings. The limitation of the author's attention to two types of international tribunals, with the consequent exclusion of the rich case law to be found elsewhere, also weakens the persuasiveness of his analysis. —OLIVER J. LISSITZYN, *Columbia University.*

Documents on American Foreign Relations, 1956. EDITED BY PAUL E. ZINNER. (New York: Harper and Brothers for the Council on Foreign Relations. 1957. Pp. xxiii, 552. $6.75.)

The climactic events of 1956 in the Middle East are highlighted in this latest installment of the Council on Foreign Relations' annual documentary collection. One-sixth of the 549 pages are devoted to the Arab-Israeli dispute

and the Suez crisis. By contrast, the thirteen pages allocated to the Hungarian revolution would seem less than proportionate to its significance. However, considerable space is given to related topics such as the Twentieth Congress of the Soviet Communist Party, the de-Stalinization campaign, and the general crisis in Eastern Europe. Among the other subjects covered are the basic foreign policy strategy of the United States, the Eisenhower-Bulganin correspondence, the search for new patterns of cooperation in NATO, disarmament, and the peaceful uses of atomic energy.

In general, Professor Zinner has used excellent judgment in selecting documents of maximum relevance to the major problems faced by United States diplomacy during this turbulent year.

Anglo-American Understanding, 1898–1903. By CHARLES S. CAMPBELL. (Baltimore: The Johns Hopkins Press. 1957. Pp. vii, 385. $5.50.)

British support of America in the war with Spain and reciprocal friendship towards Britain during the Boer War provided a new basis for good relations between the two countries. Professor Campbell provides a detailed and lively account, based on new material from the British and American archives and the Salisbury papers, of the slow progress towards agreement on such vital topics as the Canal and the Alaska boundary, as well as on seals and fishes. Threatened by growing tension in Europe and placing much value on the newly won friendship of the United States, the British were made to concede any point on which the pressure of Theodore Roosevelt, Henry Cabot Lodge, or the Massachusetts fishermen proved stronger than the patient good will of John Hay and Lord Pauncefoote. Only the Canadians troubled the British negotiators, as the Senate did the American; and it proved far easier to sacrifice their interests to Anglo-American understanding than those of the Senators.

Training of Specialists in International Relations. By C. DALE FULLER. (Washington, D.C.: American Council on Education. 1957. Pp. xv, 136. $3.00.)

This volume, sponsored by the Carnegie Endowment for International Peace and the Social Science Foundation of the University of Denver, utilizes questionnaires, interviews, and catalogues to survey graduate instruction in international relations from the standpoint of the "producer" (the university), the "consumer" (employers of specialists), and the "product" (specialists employed for the most part in government, teaching, or international trade). "Specialists" are defined: as those receiving graduate degrees in international relations (or in political science with an international relations emphasis) between 1923 and 1954, and as those trained—in distinction from the "subject-matter expert" and "generalist" educated in the liberal arts—"to analyze the relations among nation-states by drawing in various disciplines." Supported by information from "consumers" and "products," the author urges greater producer emphasis on geography, economics, the behavioral sciences, and skills of teaching and expression, and appreciation of the relevance of "human relations," personality factors, and career intentions.

The Defence of the United Kingdom. History of the Second World War: United Kingdom Military Series. By BASIL COLLIER. (London: Her Majesty's Stationery Office; New York: British Information Services. 1957. Pp. xix, 557. $9.00.)

This volume of the official history has the Battle of Britain as its central topic. Although an inter-service account, it becomes virtually a history of the R.A.F.'s Fighter Command. No detailed attention could be given to civil defense and not much to naval measures (both are the subjects of other volumes), nor to the greatest problem of the period: priorities and coordination. The account of the German invasion plans is highly interesting. This volume also deals admirably with the story of the German missiles, popularly called V-1 and V-2. The introductory chapters discuss defense planning between the wars and are of considerable interest to the political and diplomatic historian. When Professor Gibbs's first volume of the Grand Strategy series appears, a comprehensive picture of the military side of British pre-war policy will at last emerge, which may lead to many changes in the diplomatic history of the period. Already, the present volume demonstrates that practically all aspects of readiness for war were discussed by the appropriate technical governmental bodies but that "limitations imposed by governmental policy either robbed discussion of reality, or marred the implementation of conclusions reached." The priority thus given to finance, as one reviewer remarks, may not be without its current implications. Like all au-

thors in this series, Basil Collier had full access to German and British secret papers but was not permitted to identify these by footnotes.

British Military Administration in the Far East 1943–46. History of the Second World War: United Kingdom Military Series. By F. S. V. Donnison. (London: Her Majesty's Stationery Office; New York: British Information Services. 1957. Pp. xviii, 483. $7.20.)

This comprehensive volume is part of a series of studies of British military operations in World War II. It treats in considerable detail the political and administrative problems faced by the military commanders in the Far East in connection with the campaigns in China and Southeast Asia. The book is of interest to political scientists as part of the growing literature on military government and as a historical analysis of recent colonial developments. Particularly valuable is Part V, which treats the political conditions in Southeast Asia following the reconquest of the area from the Japanese. The author has had access to unpublished sources and hence provides an important addition to what is known about the evolution of nationalist movements, especially in Indochina and Indonesia, during this period.

The Allied Blockade of Germany, 1914–1916. By Marion C. Siney. (Ann Arbor: The University of Michigan Press. 1957. Pp. x, 339. $6.50.)

This is a scholarly study of Allied economic warfare, based on many unpublished British, French, Dutch, and Scandinavian sources. Professor Siney is particularly interested in Allied methods intended to cut off trade between the West- and North-European neutrals and Germany and does not attempt to assess in detail the actual effects of the blockade on the German war economy. A second volume carrying the story to 1919 will be published soon. The book will be of interest to students of economic warfare and sanctions.

The Wealth and Poverty of Nations. By Geoffrey Crowther. (Claremont, Calif.: Claremont College. 1957. Pp. 48. $2.75.)

The managing director and former editor of the London *Economist* opens this series of three lectures, delivered in the fall of 1956, by posing the problem of the extreme disparity of wealth and (what is the reverse side of the coin) of productivity per person between different countries of the world. He proceeds to examine the accumulation of capital as the principal key to this problem and narrows his enquiry to "three countries"—nineteenth-century England, present-day America, and present-day England. He finds much in common between the first two, much to contrast in the differing propensities of the second two. This attempt to relate economics to collective psychology is as stimulating to read as it undoubtedly was to hear; not least interesting is his questioning, from this point of view, of the mechanical remedies often prescribed for trade depressions.

Balances and Imbalances of Payments. By Geoffrey Crowther. (Boston, Mass.: Harvard University Graduate School of Business Administration. 1957. Pp. vii, 70. $2.00.)

It is twenty years since Geoffrey Crowther first arrived at the conclusion that there existed a chronic tendency to a shortage of dollars. The experience of the intervening period has only confirmed him in this view, and his fellow economists have joined him in increasing numbers. In the George H. Leatherbee lectures, given to the Harvard School of Business in 1957, he supports this thesis and shows the inadequacy both of classical means of adjustment and of foreign aid and investment to remedy this shortage. In contrast, he expects the freedom of exchange within and between the Sterling Area and the European Payments Union to be maintained, and he examines the implications, for world trade and for American business men, of this continuance of Two (monetary) Worlds outside the Iron Curtain, in place of the unity so enthusiastically pursued at Havana and Bretton Woods.

International Politics. By Vernon Van Dyke. (New York: Appleton-Century Crofts. 1957. Pp. ix, 483. $5.50.)

Basic to his whole conception of the tensions and problems of international politics is the author's assumption that the major problem in international politics is the ever-present threat of war. With this assumption in mind, he proceeds to examine the questions of why states behave as they do and by what methods and under what limiting conditions they pursue their objectives. To answer the first of these questions he delves into the dynamic factors of international politics, treating in turn the problems of security and sovereignty, nationalism and war, ideologies, economic objectives and forces, war and expectation of war,

psychology and common objectives of states. His second question involves an analysis of power *per se*, its balance and distribution, disarmament, peaceful methods of settling international disputes, and the force and utility of international law, morality, and organization. He concludes his book with a section entitled "The Prospects for Peace." An appendix contains the international documents germane to his treatment of international relations.

A trouver le texte des traités européens? By Michel Roussier. (Geneva: Centre Européen, Carnegie Endowment for International Peace. 1958. Pp. 53.)

The author, the librarian of the Bibliothèque Administrative of the Prefecture of the Seine, makes it possible to locate European treaties as published currently in the official sources and also indicates various unofficial sources publishing treaties and treaty information.—J.C.B.

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WILLIAM H. ROBERTS
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POLITICAL THEORY, RESEARCH, AND METHODOLOGY

Public Policy: A Yearbook of the Graduate School of Public Administration, Harvard University. Vol. VII, 1956. EDITED BY C. J. FRIEDRICH AND S. E. HARRIS. (Cambridge, Mass.: Graduate School of Public Administration. 1957. Pp. 415. $5.00.)

In this volume the editors have grouped thirteen essays under four headings: "Foreign and International," "Planning and Legislation," "Monetary and Fiscal Problems," and "Totalitarianism and Defense." Yet the groups of papers do not offer connected discussions of these topics. They are related rather by virtue of the fact that the editors chose them from research reports, seminar papers, lectures, and other writings of Harvard faculty members, visiting lecturers, and present and former students. The editors have not provided a preface or introductory note to aid the reader to measure the relevance of their headings or to assess the pertinence of the individual papers.

Two of the essays, "Growth Problems in International Trade" and "Dimensions of Planning," frame a series of theoretical propositions designed to encompass values recently become important in these fields of study. Two essays test and elaborate theoretical models: "Was Fascist Italy Totalitarian?" examines new data about Italian government to determine whether it can properly be classified as totalitarian; "The Policy of Take-Over: Stages of Totalitarian Development in Eastern Europe" generalizes elements in the process of "sovietization" from the experience of the European satellites of the Soviet Union. Full of suggestive theoretical insights is " 'Midway' —Lessons of Military Policy from a Battle Narrative." The ten pages of this paper can no more than hint at the meaning of the nonrational and even suicidal "prostitution of staff work" at which the policy decision-makers themselves connived in order to conform intelligence to their deepest wishes.

Rather more in the style of critical analysis to which the historical scholar is habituated are four studies. In "The American Committee on Dependent Territories" we follow the process of decision-making in an international body. "Central Planning of Investment in Great Britain" relates the use of investment controls from 1947 to 1951 and assesses the limits of their efficacy. "The Legislative Veto: Its Promise and Its Perils" illustrates the process of constitutional invention and growth. "Post-War Fiscal Issues in Canada: a Case Study in the Problems of Federal Finance" describes the nature of some major tensions in Canadian intergovernmental relations.

Three papers assess lively contemporary policy questions. "The Aims and Methods of American Policy in Asia" ascribes our failures to faulty conceptualization of our goals and to imperfect understanding of the conditions of Asian politics. Our own policy-makers and those abroad might well put to use the critical analyses provided by "Monetary Policy in Underdeveloped Countries" and by "Contemporary Views of the Dollar Problem."

Only one essay in this volume appears to have been prepared in the first place to provide legislators with intelligence and advice. "Taxes and Treasury Disbursements, Regional and State Differences, 1934–1954" had originally been transmitted to Senator Lehman. Its fifty pages of statistical analysis sought to answer the question: "To what extent does the Federal Government serve as a mechanism for transferring cash from rich to poor [states], from North to South and West, and under what programs?" And the aim of the study was to "give Congressmen an opportunity to make decisions on each program with an awareness of the over-all problem of transfers of cash."

Can we make any inferences about what the editors of this book believe worth recording about the study of public policy in Harvard's Graduate School of Public Administration in 1956? By count it would seem that economic analysis contributes most and political analysis least to the investigation of public policy. The urgency of contemporary policy issues confronting the decision-makers is by no means decisive for the study of public policy. Indeed, historical and theoretical analyses remain the special domain of the scholar who concerns himself with public policy.—EGBERT S. WENGERT, *University of Oregon.*

Henry George in the British Isles. BY ELWOOD P. LAWRENCE. (East Lansing: Michigan State University. 1957. Pp. 203. $5.00.)

Accurately represented by its title, this study is almost wholly confined to the story of Henry George's visits to the British Isles in the 1880's and to the lingering influence of his ideas even in twentieth-century British politics. The author, E. P. Lawrence, has not

attempted either a full-scale biography or a critical analysis of George's economics. Only enough of George's American life and general ideas is presented to provide an intelligible background for the fascinating problem in trans-Atlantic intellectual exchange that Henry George's British experience raises for the historian of ideas.

That Henry George, American individualist and single-minded single-taxer, somehow influenced British socialist as well as liberal thought has long been a standard statement of nineteenth-century intellectual history. Lawrence seeks to describe in detail, from many contemporary sources, the nature of this influence. The danger in this method, which danger Lawrence has not entirely avoided, is that the individual subject comes to assume a larger and more central role in opinion-making than that which a broader portrayal of intellectual currents would ordinarily allow. Thus, surprisingly substantial though George's influence in Britain actually was, it appears, in Lawrence's account, to be stretched to heroic dimensions. For example, the Liberal party's land tax campaign, admittedly connected to the earlier popularity of Henry George's basic idea, tends to be viewed too exclusively as a test of the popularity of his idea instead of as a part of a wider conflict in British society. It is true that the author does indicate, from time to time, his own awareness that George was but one of many influences, but the general presentation is so focussed on Henry George that his influence is made to seem *the* active, causal force. This is another way of saying that Lawrence does not spend much time explaining what in the British environment of this period accounts for the greater vogue in Britain than in America of ideas like those of Henry George.

To be fair, however, the author assumes no such responsibility, and in his more limited area he has written a competent scholarly study. Especially interesting, because it partially answers the question of how Henry George secured the attention of a large British audience, is the account of the still little-known American's first visit to the British Isles. Touring Ireland as the correspondent of the New York *Irish World*, the recent author of *Progress and Poverty* was briefly arrested by blundering British police officers and so received the consequent publicity of questions in the House of Commons about the arrest. His status as an agitator of some importance was accordingly established before he began his enthusiastic speaking tours in England and Scotland. George's plain and morally zealous strictures on the inequities of private land-holding then served to stir a mass interest in the "land question." This rank-and-file influence, less often mentioned elsewhere than George's connection with Fabianism, is usefully emphasized by Lawrence.—LEON D. EPSTEIN, *University of Wisconsin.*

The Development of Political Theory. By CHARLES VEREKER. (London: Hutchinson University Library; New York: Rinehart and Company. 1957. Pp. 230. $1.50.)

The author refers to this volume as an "introductory text book," a "short essay on an intricate historical theme." Chapters entitled "Justice," "Peace and Order," "Rights," "Felicity," "Progress," and "Freedom" provide the framework for an essentially historical presentation of what the author considers the views of theorists from Plato to Lenin on the character and purpose of political association. While the author endeavors to present the theories rather than the social and political institutions and circumstances of the period during which the theorist lived, this intention is not always followed in practice. Moreover, the author's treatment of various figures might be questioned—this applies particularly to his failure to articulate the relationship between Hobbes and Locke. A longer work containing perhaps a dozen chapters devoted simply to presenting the doctrines of the same number of outstanding political philosophers would fulfill a real need as an "introductory text book."

Heinrich von Treitschke. By ANDREAS DORPALEN. (New Haven: Yale University Press. 1957. Pp. x, 345. $6.00.)

This is the first full-length biography of Treitschke in English and is to be welcomed as an important contribution to the field of German studies. Treitschke, the "*Praeceptor Germaniae*" in the Second Reich, was the most influential German historian and publicist of his time, and his ideas continued to exercise a tremendous influence even after his death. Like so many other Germans of his period, he travelled from liberalism to authoritarianism, nationalism, antisemitism, and imperialism, thus helping to lay the groundwork for the catastrophe of nazism. Discussing the relations of Treitschke and nazism, Professor Dorpalen writes that "except for a superficial resemblance of their views, there existed indeed sharp differences between Treit-

schke and the Nazis" (p. 300). This reviewer holds that the reverse comes closer to the truth: the similarities between Treitschke and the Nazis were deep, the differences superficial. All in all, *Heinrich von Treitschke* is a book that no student of modern German politics will want to miss.

Rewriting Russian History: Soviet Interpretations of Russia's Past. Edited by C. E. Black. (New York: Frederick A. Praeger. 1956. Pp. xv, 413. $7.50.)

Non-Marxists invariably find it difficult to give any real meaning to Marx's distinction between "basis" and "superstructure" in historical development, or to identify any of the periods of the Marxist schema other than the capitalism of his own day. This valuable work by a group of American and Russian authors makes clear that even Soviet historians have also balked at the task and sought escape in the penitence of self-criticism. The gradual extension of the party line into historical studies, with Stalin's consolidation of power after 1928, in some ways simplified their task, and the authors show how the main topics of Russian history, as diverse as the origins of the great Russian state and the campaign of 1812, have been interpreted in accordance with the principal trends of Stalinist control and of "decompression" since 1953. Occasionally this has led to progress in research that might not otherwise have been made; but it is inevitable that the net result should have been detrimental. The only topic of post-revolutionary history under discussion, American and Allied intervention in the period 1918–21, is in some respects the most interesting—that Winston Churchill was outclassed as an interventionist by Woodrow Wilson is only one of the distortions now current in the interpretation of this relatively well established series of events.

Multitudes in the Valley: Church and Crisis in the Middle East. By Denis Baly. (Greenwich, Conn.: The Seabury Press. 1957. Pp. viii, 307. $5.00.)

Multitudes in the Valley represents an effort to present a "Christian" analysis of the Arab-Israeli conflict. The author, who enjoyed a first-hand view of developments in Palestine for many years, is by training a geographer and political observer rather than a theologian or philosopher. He attempts to discuss the implications for serious Christian intellectuals of the present Middle East crisis and to underline the dilemmas, spiritual as well as expediential, which it poses for the western Christian world. While he writes as an Episcopalian, Baly does not really make explicit what he considers to be the minimal elements of a "Christian" view of history, and many would no doubt quarrel with some of the criteria that he implies and the interpretations that he gives them. Nevertheless, for those political scientists who are deeply concerned about the need to make explicit the relation between Christian principles and political action, this book will surely provide valuable stimulation.

Business Cycles and Economic Policy. By Erik Lundberg. Translated by J. Potter. (Cambridge, Mass.: Harvard University Press. 1957. Pp. 346. $6.50.)

Lundberg's work is a comprehensive critical review of the Swedish experience with the problem of the business cycle. His criticism is developed in the context of a case study of the theory and use of the techniques of economic policy that appeared in Sweden in response to the economic problems of the inter-war and post-World War II periods. Lundberg's criticism is not confined to just the particular Swedish theory and policy of direct control and government regulation, but rather is extended to the whole body of contemporary macro-economic theory. Lundberg states that "This book may be interpreted partly as a reaction against excessively optimistic and uncritical views of our present knowledge—on which all the more ambitious forms of state intervention must be based—of the manner of functioning of the economic machinery" (p. 298). Lundberg has essayed a topic in political economy but has placed the major emphasis on the economic element.

Political Thought in Perspective. By William Ebenstein. (New York: The McGraw-Hill Book Company. 1957. Pp. xiv, 588. $7.00.)

Among the many books written or edited by Professor Ebenstein are a number of books of readings in political theory. To these he has now added a collection of readings that is unique. It is a collection of the comments of theorists and statesmen upon the ideas of other theorists. The theorists who are the targets of the commentators include most of the classical writers, from Plato through Marx. The editor's originality appears in his selection of the commentators. Thus we find not only Aristotle, Augustine, and Hegel expressing their opinions of Plato, but also Jefferson and Brandeis. To very brief comments on

Aristotle by Aquinas and Luther, there is added a long comment on the *Politics* by Kelsen. Not only Pollock but also Marx and Russell are permitted to express their views of Locke. Churchill joins Trotsky and Kautsky in expressing views of Lenin. It is an interesting collection and contains some material not easily got at. How useful it may be to students will need to be discovered by experience.

The Clash of Political Ideals. By Albert R. Chandler. (New York: Appleton-Century-Crofts. 3rd ed. 1957. Pp. vii, 374. $1.65.)

This third edition of the well known collection first published by the late Professor Chandler in 1940 follows the general pattern set by the first and second editions. Numerous changes have been made, however, including the addition of new material on such topics as the "welfare state," the "new conservatism," and relations between church and state. A forty-page classified and annotated bibliography was prepared by Samuel E. Gluck.

Social Theory and Social Structure. By Robert K. Merton. (Glencoe, Ill.: The Free Press. Rev. ed. 1957. Pp. xviii, 645. $7.50.)

Political scientists interested in sociological theory will welcome the second edition of Professor Merton's book, first published in 1949, which is about one-third longer than the first edition. Of the additional material, two chapters, "Continuities in the Theory of Social Structure and Anomie" and "Continuities in the Theory of Reference Groups and Social Structure," the latter over a hundred pages in length, have not been published before.

The American Way. By Dexter Perkins. (Ithaca: Cornell University Press. 1957. Pp. 141. $2.75.)

It would be surprising if a series of essays under this title were anything but flattering to what they set out to describe. Dexter Perkins sets out to define and comment on the Conservative, Liberal, Radical, and Socialist strands in American political thought and action. He offers little that is new in substance or interpretation; public lectures, on which the essays are based, leave little room for finely drawn distinctions or sharply made points.

The Modern Researcher. By Jacques Barzun and Henry F. Graff. (New York: Harcourt, Brace and Company. 1957. Pp. xiii, 386. $6.00.)

Although the authors' treatment of the principles and techniques of scholarly research applies chiefly to the historical discipline, this sane, concrete, and sophisticated handbook will be widely welcomed among political scientists. Much that is wisely said in Parts One and Two, "First Principles" and "Research," applies to all branches of scholarship; Part Three, "Writing," and the Afterword, "A Discipline for Work," are packed with invaluable advice, directed toward problems common to everyone who writes for publication and ranging from admirable guidance on "How to Live Without Jargon and Clichés" to equally admirable guidance on footnote forms and the technique of proofreading.

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DOCTORAL DISSERTATIONS IN POLITICAL SCIENCE

IN AMERICAN UNIVERSITIES*

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I. DISSERTATIONS IN PREPARATION

ADDITIONS, CHANGES, AND DELETIONS SINCE THE 1957 LISTING

POLITICAL PHILOSOPHY AND PSYCHOLOGY

Additions

Herbert E. Alexander, The Role of the Volunteer Political Fund Raiser: A Case Study in New York in 1952. *Yale.*

Robert E. Beerstecher, Revolutionary Antimilitarism in Communist Theory and Practice. *Georgetown.*

James C. Buckley, Justus Lipsius, A Neo-Stoic Political Philosopher. *Chicago.*

Ruth L. Byrd, Justice Rufus Wheeler Peckham and the Growth of Capitalism in the United States. *American.*

Enid Campbell, The Analytical Tradition in English Jurisprudence. *Duke.*

J. Dale Chastain, The Purpose of Political Science: An Examination of the *American Political Science Review*. *Iowa.*

Jerome I. Cooperman, The Corporation as a Unit of Political Power. *Rutgers.*

Nathaniel Davis, Religion under Communism. *Fletcher School.*

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Items which appeared in the September, 1957, list and which are still in preparation *without change* are *not* repeated in this listing. The present listing contains only additions, changes and deletions. Additions are those items which were reported in preparation for the first time; changes are those items which have had a change in name, title, or classification; and deletions are those items which are no longer in preparation.

In cases where classification of an item has been suggested by the institution concerned, the suggestion has been followed. Each item is listed under one classification only.

The lists printed in the REVIEW are based on information from departments giving graduate instruction in political science. Often dissertations are in progress in departments of economics, history, sociology, etc., which overlap or supplement dissertations in preparation in political science. Attention is called especially to the following lists: "Current Research Projects in Public Administration" (reported to Public Administration Service), the most recent edition of which appeared in 1951; "Doctoral Dissertations in Political Economy in Progress in American Colleges and Universities," in the *American Economic Review;* "List of Doctoral Dissertations in History Now in Progress," published annually by the Division of Historical Research of the Carnegie Institution through 1938, and since then by the American Historical Association, as supplements to the *American Historical Review* (1940 and 1941), as Vol. III of its Annual Report (1941), and as separate publications (1947, 1949 and 1952); and "Doctoral Dissertations in Sociology," in the *American Journal of Sociology*. Consult also the "External Research List," published by the Office of Intelligence Research, Department of State. These are in addition to the "List of American Doctoral Dissertations Printed in 1938," the most recent of an annual series published by the Library of Congress; and Arnold H. Trotier and Marian Harman, "Doctoral Dissertations Accepted by American Universities, 1952–53," the twentieth of a series beginning in 1933–34, compiled for the Association of Research Libraries. Consult, for other lists, T. R. Palfrey and H. E. Coleman, Jr., "Guide to Bibliographies of Theses, United States and Canada" (Chicago, American Library Association, 2nd ed., 1940).

Abstracts of some of the theses listed as completed may be found in "Dissertations

Mabel E. Deutrich, Fred C. Ainsworth: Army Surgeon and Administrator. *American.*

Ernest Dibble, The Philosophy of Reinhold Niebuhr. *American.*

Paul M. Downing, A Comparison of the Doctrines of St. Thomas Aquinas and John Locke on the Origin of Political Authority. *Columbia.*

Erwin Gaede, Reinhold Niebuhr and the Relation between Ethics and Politics. *Notre Dame.*

Edward A. Goerner, John Courtney Murray and the Church-State Problem. *Chicago.*

Fred I. Greenstein, Children's Political Perspectives: A Study of the Development of Political Awareness and Preferences Among Pre-Adolescents. *Yale.*

Nelson P. Guild, The New Conservatism in America versus American Conservatism. *Pennsylvania State.*

James F. Guyot, Businessmen and Bureaucrats. *Yale.*

Milton Hobbs, Modern Empiricism and a Science of Politics. *Northwestern.*

Paul Hoffmann, Party Responsibility and Political Experience. *Minnesota.*

J. Woodford Howard, Jr., The Political Ideas of Mr. Justice Murphy. *Princeton.*

David S. Keene, The Political Thought of Edwin Lawrence Godkin. *Princeton.*

Erwin L. Levine, The Development of Political Theory in the State of Israel. *Brown.*

Marilyn McCurtain, An Investigation into Political Personality Types and Voting Behavior. *Washington* (Seattle).

Karl O'Lessker, Order and Meaning: The Analytic Movement in Political Theory. *Indiana.*

Eugene Pyziur, Political and Legal Thought of B. Kistiakovski. *Notre Dame.*

John E. Rielly, Main Trends in Contemporary Catholic Thought on Church and State. *Harvard.*

Abstracts," published bi-monthly by University Microfilms, Ann Arbor, Michigan.

The compiler of this list is indebted to Professor York Y. Willbern, Director of the Bureau of Government Research, Indiana University, for the chart below which lists, by subject category, the number of dissertations completed and in progress, 1951 through 1957. In the "dissertations completed" group, the percentages by field for the 1951–57 period are as follows: international relations—27; comparative government—18; American politics—14; theory—12; state-local—12; public administration—11; and public law—6. There appear to be no significant trends during the seven years, unless the rise in state-local dissertations during the last two years should be considered worth noting. Finally, it may be noted that international relations has a substantially higher percentage of dissertations in progress than it has of dissertations completed, high as that proportion is.

† On leave of absence from the University of Pittsburgh.

DISSERTATIONS IN POLITICAL SCIENCE

1951 THROUGH 1957

(as reported in the *American Political Science Review*)

	Theory		Politics		Public Law		State-Local		Public Administration		Comparative		International		Total for Year	
	C*	P†	C*	P†	C*	P†	C*	P†	C*	P†	C*	P†	C*	P†	C*	P†
1951	23	91	22	102	8	54	16	82	14	99	19	104	34	256	136	788
1952	24	102	28	119	11	61	19	85	26	100	21	123	46	277	175	867
1953	31	102	34	125	16	60	19	89	20	100	36	152	32	291	188	919
1954	25	103	18	141	16	55	16	102	16	115	30	169	55	307	176	992
1955	15	121	20	148	11	50	17	114	27	108	41	187	57	347	188	1075
1956	24	118	34	140	9	56	32	111	19	125	47	189	68	363	233	1102
1957	16	46	20	52	11	9	31	29	19	26	30	29	56	79	183	270
Totals, 1951–1957	158	683	176	827	82	345	150	612	141	673	224	953	348	1920	1279	6013

* Completed.
† In Progress.

Philip B. Secor, The Political Philosophy of Richard Hooker. *Duke.*

Kenneth Smith, The Right to Work: An analysis in Labor Management Ideologies. *California* (Los Angeles).

Julius Smulkstys, Marxian Concept of Democracy. *Indiana.*

Samuel V. Stiles, Jr., Some Recent Models of Democratic States. *Indiana.*

Sidney Verba, The Contributions of Experimental Studies of Leadership in Small Groups to the Understanding of Political Leadership. *Princeton.*

Morimiche Watanabe, Nicholas of Cusa. *Columbia.*

Changes

Denis G. Sullivan, A Study of the Formation and Change of Attitudes toward United States Foreign Policy, 1942–1956. *Northwestern.*

Walter E. Volkomer, The Political Philosophy of Jerome Frank. *Rutgers.*

Norman L. Zucker, The Political Philosophy of George W. Norris. *Rutgers.*

Deletions

Justin Atkinson, The Political Thought of L. T. Hobhouse. *California* (Berkeley).

R. Gordon Gilbert, Description and Prescription in Seventeenth Century Science. *California* (Berkeley).

GOVERNMENT AND POLITICS OF THE UNITED STATES AND ITS DEPENDENCIES

Additions

Curtis A. Amlund, The Theory and Practice of Federalism in the Governmental Organization of the Confederate States of America. *Minnesota.*

James E. Anderson, The Emergence of the Modern Regulatory State: A Study of American Ideas on the Regulation of Economic Enterprise. *Texas.*

Victor Bahou, The Presidential Press Secretary. *Syracuse.*

Irving Berg, Raymond Robins and the Progressive Party, 1912–1916. *Florida.*

Frances E. Biadasz, Reorganization of the Department of Defense during the Eisenhower Administration. *Georgetown.*

Glenn E. Brooks, The Governor in National Politics. *Johns Hopkins.*

Samuel S. Coe, Congressional Policy Concerning Multilateral and Bilateral Security Treaties, 1947–1957. *Catholic University.*

Joseph Cooper, Conflicts of Interests in the American Congress. *Harvard.*

Milton C. Cummings, Selected Aspects of the American Congressional Electoral System. *Harvard.*

Edward M. Glick, The Impact of a National Electoral Campaign (1958) on Federal Government Information Policy and Practice. *Ohio State.*

Martin Gruberg, Senatorial Investigation of Natural Gas Lobbying: A Study in Legislative Politics. *Columbia.*

George C. Hoffman, Executive-Congressional Relations in the First Agricultural Adjustment Act. *Chicago.*

Sanford Jarashow, The Eisenhower Administration Public Housing Policy. *Columbia.*

Robert N. Johnson, The Attorney General's List. *Johns Hopkins.*

Stanley E. Lank, The Enactment of the Fair Labor Standards Act: A Study in the Legislative Process. *Virginia.*

Allan D. Nelson, The Political Implications of Modern Public Opinion Research. *Chicago.*

Gerald M. Pomper, Labor Organization and Political Activity. *Princeton.*

Donato Pugliese, Citizen Group Activity in the Delaware Basin. *Syracuse.*

George C. Roberts, Democratic Politics in Indiana, 1932–1958. *Indiana.*

Cordell A. Smith, The Marshall Mission to China: Its Impact on American Foreign Policy toward China, 1945–1949. *Oklahoma.*

Kenneth W. Street, Harry S. Truman: His Role as Legislative Leader. *Texas.*

James R. Watson, The Presidency and the Civil Service. *Columbia.*

Aaron B. Wildavsky, Dixon-Yates, 1953–57: A Study in Problems of Decision-Making. *Yale.*

Joe R. Wilkinson, Politics and Trade Policy: A Study in the Nature of the Political Support for the Reciprocal Trade Agreements Program, 1934–1955. *Fletcher School.*

James L. Woods, Military Influence in the Formulation of American Foreign Policy. *Cornell.*

James S. Young, The Governmental Community—Washington, 1800–1826. *Columbia.*

Donald F. Zucker, The Twenty-Second Amendment. *Pennsylvania State.*

Changes

Bruce R. Andrews, Religious Influence on Voting Behavior: A Study of the Syracuse Electorate from 1918 to 1957. *Syracuse.*

Milton N. Cikins, OASI, Federalism and Social Welfare. *Harvard.*

Patricia E. Cunnea, Water Resources Policy Formation in the Appropriations Process: Congress and the Bureau of Reclamation. *Chicago.*

Jay L. Gould, The Foraker Act: The Roots of American Colonial Policy. *Michigan.*

Murray C. Havens, Congress and the Tariff: Voting Behavior on an Economic Issue. *Johns Hopkins.*

John L. Houk, Congress and the U. S. Information Agency: A Study of Legislative Attitudes toward the Role of Propaganda in Public Policy, 1945–1957. *Southern California.*

Michael D. Reagan, Serving Two Masters: The W.O.C. Program, *Princeton.*

Paul J. Scheips, Albert James Myer and the Army Signal Corps. *American.*

Herbert Waltzer, A History and Analysis of Federal Corrupt Practices Legislation: The Efforts of Congress to Curb Non-Financial Corrupt Practices. *New York University.*

CONSTITUTIONAL AND ADMINISTRATIVE LAW IN THE UNITED STATES

Additions

Carl Beck, Contempt of Congress, 1945–1958. *Duke.*

Rev. Terence J. Murphy, Some Constitutional Questions Involved in the Governmental Control of Obscenity: Their Historical Development and Their Present Status as Indicated in Recent Decisions of the United States Supreme Court. *Georgetown.*

Chester Newland, Legal Periodicals and the United States Supreme Court. *Kansas.*

Herbert G. Persil, The Supreme Court and the Scope of State Activity—1870 to 1906. *Chicago.*

Charles Pulver, The Political Theory of Judge Learned Hand. *Syracuse.*

Gerald Rigby, Segregation and the Constitution. *California* (Los Angeles).

Sami Saliba, Freedom of Movement. *Kansas.*

Changes

John W. Hopkirk, William O. Douglas—Individualist: A Study in the Development and Application of a Judge's Attitudes. *Princeton.*

Leigh Hunt, A Study of Some Leading Opponents to the Ratification of the U. S. Constitution. *Minnesota.*

George D. Wendel, Federal Compulsory Immunity Legislation and Its Relation to the Fifth Amendment. *St. Louis.*

Peter Woll, Informal Administrative Adjudication and Its Significance in Terms of Administrative Responsibility. *Cornell.*

Deletions

Fredryc R. Darby, The Constitutionality of Anti-Miscegenation Laws under the 14th Amendment. *California* (Berkeley).

Christopher Dyer-Bennet, Justice Harlan and the Federal System. *California* (Berkeley).

Robert S. Walker, The Right and Writ of Personal Liberty. *California* (Los Angeles).

AMERICAN STATE AND LOCAL GOVERNMENT AND POLITICS

Additions

Tip H. Allen, Jr., State Constitutional Revision in the South since 1940. *Alabama.*

Raymond V. Anderson, The Operation of the Initiative, Referendum and Recall in North Dakota. *Minnesota.*

Peter B. Clark, The Roles and Influence of Lay Civic Leaders in Metropolitan Chicago Political Affairs. *Chicago.*

Patrick J. Conklin, Counties, Townships and the "Training Ground" Thesis: A Comparative Study in Selected States. *Michigan.*

Jameson W. Doig, A Study of Metropolitan Rapid Transit Commissions. *Princeton.*

Ralph Eisenberg, Local Legislation and the Legislative Process in New Jersey. *Princeton.*

Mark Ferber, The Politics of Education: An Analysis of Interest Groups and State Politics. *California* (Los Angeles).

R. Gene Geisler, The Trend of and Differences in Voting Patterns in Chicago Ward Voting Blocs as Determined by Ward Voting Performance in Eight Selected Elections, 1948–57. *Chicago.*

Daniel Goldrich, The Relation between Political Parties and Politics in the Local Community. *North Carolina.*

Garland A. Haas, Parks and Recreation in the Seattle Metropolitan Area: A Study in Policy Development and Administration. *Washington* (Seattle).

A. Clarke Hagensick, The Maryland Legislative Council. *Johns Hopkins.*

Richard Harvey, The Political Approach of Earl Warren, Governor of California. *California* (Los Angeles).

Theodore J. Lowi, Political Executives: A Study of Mayors' Cabinets in New York from Van Wyck to Wagner. *Yale.*

Thomas R. Mason, The Massachusetts General Court and the Boston Metropolitan Area. *Harvard.*

Kenneth G. Olson, The Politics of Homogeneity: Party Loyalty and Leadership in Vermont, *Harvard.*

Samuel C. Patterson, Toward a Theory of Legislative Behavior: The Wisconsin State Assemblymen as Actors in a Legislative System. *Wisconsin.*

Sister M. Christopher Querin, F.C.S.P., Urban vs. Rural Politics in the Missouri Legislature. *St. Louis.*

Robert L. Sawyer, The Democratic State Central Committee in Michigan, 1947–1958: A Case Study in the Transformation of a Political Organization. *Michigan.*

Robert H. Simmons, A Comparative Study of State and Federal Land Management Practice in New Mexico. *Washington* (Seattle).

Richard Watsob, Law Enforcement in the Cleveland Metropolitan Area: A Study in Inter-Governmental Relations. *Michigan.*

James Q. Wilson, Negro Political Leaders in a Northern City. *Chicago.*

Charles Young, Politics and Boundaries: A Study of the Process of Political Districting. *California* (Los Angeles).

Changes

William P. Brown, Fiorello H. LaGuardia as an Administrator. *New York University.*

David H. Grubbs, City-County Consolidation in Tennessee. *Pennsylvania.*

John Logue, The Study and Interpretation of Voting Behavior and Trends in Westchester County, New York. *Chicago.*

Edmund C. Mester, The Office of Mayor in Maryland. *Maryland.*

Deletions

Walter R. Gatlis, Jr., State Assistance to Local Governments in Kentucky and Tennessee: A Comparative Study. *Illinois.*

William E. Murphy, The Selection and Tenure of Judges in Pennsylvania. *St. Louis.*

George Weber, Church and State in France: A Study in the Manipulation of Liens upon Political Obedience. *Virginia.*

PUBLIC ADMINISTRATION IN THE UNITED STATES

Additions

Lawrence H. Clark, A Regional Office of the United States Civil Service Commission. *American.*

Carl W. Clewlow, Improved Utilization of the Organization and Management Staff Function in the Department of the Army. *American.*

Thomas Drake, Government in Metropolitan Areas in North Carolina. *Duke.*

Daniel J. Elazar, Federal-State Administrative Relations in the Nineteenth Century. *Chicago.*

Robert E. Geisel, The Registration of Foreign Agents in the United States. *Pennsylvania.*

Donald R. Gerth, Public Higher Education in California: A Study in Administrative Control and Responsibility. *Chicago.*

Morris A. Greene, The Transfer of a Functioning International Organization from one Site to Another. *American.*

Kent M. Lloyd, State Civil Rights Legislation as Applied to Employment, Housing and Public Accommodations: A Comparative Study in Administrative Behavior. *Stanford.*

Morris Nimevitz, The Politics of Planning. *California* (Los Angeles).

Robert L. Peabody, Some Contributions of Psychology and Social Psychology to the Study of Public Administration. *Stanford.*

Alex S. Pow, The Comptroller General in the United States, 1939–1958. *New York University.*

Sam Rothman, The Scientist and Engineer in Government: A Study to Determine How Their Effectiveness Can Be Increased. *American.*

Carl Schrieber, The Armed Services Procurement Act: An Appraisal. *American.*

Douglas St. Angelo, Local Impact upon Federal Programs. *Chicago.*

Ashley L. Schiff, The U. S. Forest Service: A Study in Research and Administration. *Harvard.*

Theodore W. Taylor, Regional Relations of the Bureau of Indian Affairs. *Harvard.*

David M. Welborn, The Administrative Process in Motor Carrier Regulation. *Texas.*

Joseph Willard, Public Relations Policies of Federal Agencies: A Study in Public Responsibility. *Indiana.*

Changes

Simon Broder, A Comparative Study of the U. S. Patent Office and the German Patent Office. *American.*

Calvin G. Brooks, Selected Problems with Regard to Old-Age and Survivors Insurance. *American.*

Carl E. De Vane, The Public Budget: A Problem Study in Fiscal Administration with

Special Reference to the City of Philadelphia. *Pennsylvania.*

Dean E. Mann, The Administration of Water Resources in the State of Arizona. *California* (Berkeley).

Harry F. Mullaly, The Refugee Relief Act, 1953: A Study in the Development of a United States Foreign Policy for Refugees. *New York University.*

Kenichi Nishimoto, The Committees of the Department of the Interior with Special Reference to Intra-Departmental Committees. *American.*

George F. Roberts, The National Production Authority: Administrative Organization and Operation, 1950 to 1953. *American.*

FOREIGN AND COMPARATIVE GOVERNMENT AND POLITICS

Additions

Jabir A. Abbas, Points of Departure in Egypt's Foreign Policy. *Indiana.*

Jose V. Abueva, The Magsaysay Community Development Program in the Philippines. *Michigan.*

Bahman Amini, India's Role in Afro-Asian Politics. *Maryland,*

Robert W. Anderson, Parties, Groups, and Government in Puerto Rico. *California* (Berkeley).

Sheldon Appleton, The U. S.—U. N. Decision to Cross the 38th Parallel in Korea. *Minnesota.*

Turkkaya Ataov, Turkish-Western Relations, 1918–1957. *Syracuse.*

Jeremy R. Azrael, Industrialism in the USSR. *Harvard.*

Richard D. Baker, A Study of *Amparo* in the Jurisprudence of Mexico. *North Carolina.*

Richard W. Barham, Greek Cypriot Nationalism since 1878. *Columbia.*

Georges Bissonnette, A. A., The Church Reforms of Peter the Great and the Plan They Follow. *Columbia.*

Richard W. Blake, Jr., The Transplantation of Parliament in the Commonwealth. *Michigan.*

Nicholas G. Bohatiuk, German-Ukrainian Political Relations during World War II. *New York University.*

Douglas A. Bosworth, French Catholicism and the Loi Borangé: A Case Study of the Ability of a Major Force in French Society to Exert Political Pressures. *Princeton.*

Allan R. Brown, The Political Influence of the Japanese Emperor, 1928–1945: An American Stereotype and the IMTFE Record. *Stanford.*

James H. Buck, The Military and Political Aspects of the Satsuma Rebellion of 1877. *American.*

Vijay Sen Budraj, The Soviet Image of India. *American.*

James D. Byrnes, The Congo Reform Association. *Columbia.*

Hsien-Ting Ch'en, The Rise of the Modern Japanese Army, 1868–1889: The Role of the Army in the State. *Harvard.*

Don M. Cregier, The Decline of the British Liberal Party. *Clark.*

Charles Dibble, The Struggle for the Allegiance of the Chinese Community in Thailand. *Syracuse.*

Marion E. Doro, Political Consensus in a Plural Society: A Comparison, Kenya and Nigeria. *Pennsylvania.*

William A. Douglas, The Role of Political Parties in Korea. *Princeton.*

Kalesh Dudharkar, Factors Affecting Indian Attitudes toward Foreign Policy. *Minnesota.*

William Dyess, The East German Communist Party. *Syracuse.*

Richard Eberle, The Legislature of the West Indian Federation. *Pennsylvania.*

A. W. Edson, The Initiation of Hostilities Under a Separation of Powers. *George Washington.*

John B. Elumeze, Emergent Patterns of Administration in the Federal Government of Nigeria. *Michigan.*

Harold Fishman, A Comparative Analysis of British and French Colonial Administration in Three Pacific Dependencies. *California* (Los Angeles).

Frederick W. Frey, The Social Background of the Members of the Parliaments of the Turkish Republic, 1920–1957, *Princeton.*

Erich Goldhagen, The Jewish Section of the Communist Party of Russia. *Harvard.*

Henry F. Goodnow, The C.S.P.: An Appraisal of the Higher Civil Service in the Governing of Pakistan. *Columbia.*

Bernard K. Gordon, The Emergence of New Zealand as a Pacific Power. *Chicago.*

Barbara B. Green, Soviet Universities and Student Dissent. *Harvard* (Radcliffe).

Maung Maung Gyi, An Analysis of the Social and Political Foundations of the Burmese Executive (1948–56). *Yale.*

Frederick J. Horrigan, Some Aspects of Local Government in Thailand. *Indiana.*

John M. Iannuzzi, The Impact of Petroleum

Resources on Social Development of Iraq. *Catholic University.*

James D. Johnson, Pressure Groups in Canadian Politics. *Michigan.*

Ladis Kristof, Geopolitics of Russia. *Chicago.*

Theodore E. Kyriak, Methods and Policies of Soviet Authorities during the Occupation of Austria, 1945–1955. *Southern California.*

Shirley J. Lehman, The French Socialist Party, 1905–14. *Harvard* (Radcliffe).

Daniel M. Lewin, German Foreign Service Personnel. *Princeton.*

Nadim Makdisi, The Syrian National Party: A Case Study of the First Inroads of National Socialism into the Arab World. *American.*

Andrew Martin, The British Labour Party's Position on Public Ownership of Industry. *Columbia.*

Joseph Mestenhauser, Ideologies in Conflict in Indonesia, 1945–1955. *Minnesota.*

Robert T. Murphy, The Minorities of Egypt. *Harvard.*

Martin C. Needler, An Approach to a Theory of Party Systems. *Harvard.*

Joseph Nyomarkay, Factionalism in the German National Socialist Party, 1926–1936. *Minnesota.*

Nissan Oren, The Bulgarian Communist Party. *Columbia.*

Albert Ossman, The Influence of American and British Policies on That of Canada (Post-War Period). *Syracuse.*

Edward L. Pinney, The Role of the *Bundesrat* in Policy-Making in the German Federal Republic. *North Carolina.*

Benjamin H. Raab, Toward Integration of Central America. *Columbia.*

Marvin Rintala, The Development of the Extreme Right Wing in Finnish Politics, 1919–1939. *Fletcher School.*

Richard F. Rosser, The Personnel of the Soviet Air Force. *Syracuse.*

John W. Ryan, Municipal Administration in Thailand. *Indiana.*

Ghaleb Shaheen, The Foreign Policy of Lebanon. *Syracuse.*

Paul Shoup, The Communist Solution of the National Problem in Jugoslavia after World War II. *Columbia.*

Richard L. Sklar, A Prospectus for the Study of Party Politics in Nigeria. *Princeton.*

R. Daniel Sloan, Jr., The Politics of Civil Defenses in Great Britain and in the United States. *Chicago.*

Elaine D. Smith, Origins of the Kemalist Movement and the Government of the Grand National Assembly (1919–1922). *American.*

Susanne H. Smith, The Anti-Labor Parties of Australia: A Study of National Parliamentary Party Coalition in a Federal System. *Ohio State.*

Jose D. Soberano, The Politics and Administration of Socio-Economic Planning in the Philippines. *Michigan.*

Jay B. Sorenson, State Control of Soviet Labor: The Formative Years, 1924–1929. *Columbia.*

Charles I. Stastny, The Hungarian Communist Party: A Study of Ideology and Operational Development. *Harvard.*

Sorat Sucharitakul, Personnel Administration in Thailand. *Syracuse.*

George Sugarman, An Analysis of Personnel Management in the Ministry of Agriculture of Venezuela. *American.*

Ernest H. Swayze, Soviet Literary Politics, 1946–56. *Harvard.*

Ladd Thomas, Centralism in the Philippines. *Fletcher School.*

Leandro Viloria, The 1954–55 Philippine Governmental Reorganization. *Syracuse.*

Johan G. Westra, Confessional Parties in the Netherlands: A Comparison of Ideology and Organization in the Catholic Peoples Party, the Anti-Revolutionary Party, and the Christian Historical Union. *Michigan.*

John Woodruff, Relations between the Netherlands Government in London and Occupied Holland during the Second World War. *Boston University.*

Aristide Zolberg, Development of Parliamentary Government in the Ivory Coast. *Chicago.*

Changes

Henry Albinski, Australia's Search for Regional Security in Southeast Asia. *Minnesota.*

William G. Andrews, Pierre Mendès-France: A Study of Political Ideas in Action. *Cornell.*

E. Ramon Arango, The Christian Labor Movement of Belgium, 1921–1940. *Florida.*

Douglas E. Ashford, The Problem of Political Change in Morocco or The Istiqlal Party in Transition. *Princeton.*

Bohdan R. Bociurkiw, Soviet Church Policy in the Ukraine. *Chicago.*

Brij Bhushan, Legislative Reference Service of the Parliament of India: A Comparative Study with the Legislative Reference Service of the Library of Congress of the United States of America. *American.*

Fred G. Burke, The Development of Local Governments in Uganda: A Comparative Approach. *Princeton.*

Norman B. Hannah, Power and Politics in Constitutional Thailand. *Minnesota.*

Tetsuichi Hashimoto, The Imperial Institutions in Japan with Special Reference to the Post World War II Period. *Duke.*

Wadie Jwaideh, The Kurdish Problem. *Syracuse.*

Eli Kaminsky, The Problem of Subversive Political Groups in Foreign Constitutional Countries. *Harvard.*

Robert N. Kelson, The Function of the Private Member of the New Zealand Parliament, 1946–1955. *Duke.*

Daniel S. Lev, Governmental Organization in Indonesia: A Study of the Carry-Over of Dutch Law into Independent Indonesia. *Cornell.*

Ruth McVey, International Communist Colonial Police and the Development of Indonesian Communism. *Cornell.*

Hugh G. MacNiven, The Legislative Assembly in the Canadian Provinces. *Minnesota.*

Gordon Means, The Evolution of Malayan Independence. *Washington* (Seattle).

Leo E. Rose, Nepal in the 19th Century. *California* (Berkeley).

Ernest E. Rossi, The United States and the 1948 Elections in Italy. *Pittsburgh.*

Koji Shimazu, The Japanese Communist Party and the Labor Union. *Notre Dame.*

Josef Silverstein, The Union of Burma's Struggle for National Unity. *Cornell.*

Seymour Slessinger, Soviet Foreign Policy and the Nationality Doctrine. *Boston University.*

John Wortman, The Minor Parties in the Soviet Zone of Germany: A Communist Experiment in the Gleichschaltung of Nonworking Class Groups in a Captured Society. *Minnesota.*

Deletions

William T. Anene, Local Government and Administration in Nigeria. *New York University.*

Robert W. Barrie, The Council of Europe. *Minnesota.*

INTERNATIONAL ORGANIZATION, POLITICS AND LAW

Additions

Kuljit Ahluwalia, Privileges and Immunities of the United Nations—Its Officials, Representatives, Technical Experts, Organs and Agencies. *Columbia.*

K. Janaku Kutty Amma, United Nations Technical Assistance: A Study in Decision-Making for Allocation of Resources. *Fletcher School.*

Samir N. Anabtawo, Neutrality, Neutralism, and Collective Security. *Yale.*

Kerim A. Attar, The Minorities of Iraq and the League of Nations. *Columbia.*

Alfred P. Brainard, Armament, Disarmament and the United Nations, 1950–1958. *Washington* (Seattle).

Edward J. Brennan, The Spanish Conscience and the Conquest of the Indians, 1511–1551. *Chicago.*

David Cayer, Imperialism and Colonialism in Africa. *Harvard.*

Soon Sung Cho, United States Policy toward the Unification of Korea: 1945–1950. *Michigan.*

Walter C. Clemens, Jr., Soviet Disarmament Policy, 1917–1933. *Columbia.*

Henry Dahl, The Political Aims of United States Foreign Aid. *Chicago.*

James W. Dimmick, Military Aid to Pakistan: A Crisis in United States—Indian Relations. *North Carolina.*

Caroline A. Dinegar, The Use of the Doctrine of Recognition as a Technique in International Relations by the United States. *Columbia.*

Fred Dixon, United States—Israeli Relations: The First Ten Years. *Virginia.*

Henry H. Esterly, Japanese Fishing and Whaling during the Occupation. *Columbia.*

William W. Fry, United Front Strategy and Tactics in Soviet Occupation Zone of Germany, 1945–1957. *Georgetown.*

William P. Gerberding, Franklin D. Roosevelt's Conception of the Soviet Union in World Politics. *Chicago.*

Betty Glad, Charles Evans Hughes' Conception of International Politics. *Chicago.*

Guruswami Govind, India and the United Nations Economic and Social Council, 1948–1958. *Washington* (Seattle).

Pracha Guna-Kasem, The Role of Thailand in the United Nations. *Yale.*

Gordon K. Harrington, The Relations between China and the United States, 1840–1860. *Chicago.*

Khurshid Hasan, Studies in Discrimination in International Law. *Columbia.*

Richard H. Hedrich, The Role of the International Court of Justice in the Development of International Law: The Views of the Court Members (As Indicated by Their Opinions). *Maryland.*

John E. Juergensmeyer, Democratic Diplomacy: The People-to-People Program. *Princeton.*

Tae Jin Kahng, Handling of International Disputes Involving Legal Questions in the Security Council (and the General Assembly). *Columbia.*

James G. L. Kellis, The Cyprus Issue, 1930–1957. *Georgetown.*

Martin L. Kilson, The Trusteeship Council's Visiting Mission: A Study on the International Control of Non-Self-Governing Territories. *Harvard.*

Teruo Kobayashi, The Anglo-Norwegian Fisheries Case of 1951 and Its Legal Effects on the Law of the Territorial Sea. *Florida.*

Milton Kovner, "Peaceful Co-existence": The Challenge of Soviet Economic Diplomacy. *Georgetown.*

Min-Chuan Ku, Responsibility of the States for Injuries and Damages Caused in Its Territory to the Person or Property of Aliens. *New York University.*

Philip Lin, Political Initiative in the League of Nations and the United Nations: The Evolving Role of the Secretary General. *Columbia.*

Margot Louria, Anti-Imperialist Thought in Mid-Victorian England. *Johns Hopkins.*

James M. Mahoney, The Fenian Movement and Anglo-American Relations. *Clark.*

K. D. Mathur, International Aspects of the Control and Peaceful Use of Atomic Energy. *George Washington.*

Richard L. Merritt, The Separate Peace between the United States and the Central Powers: 1919–1921. *Yale.*

William C. Mithoefer, International Legal Developments since 1915 Concerning South West Africa. *Duke.*

Robert E. O'Brien, Prospects and Limits of Political Communication. *Georgetown.*

Peter K. Ogloblin, The Effect of Modern Weapons Systems on Foreign Policy. *Harvard.*

Charles Osborn, Sectional Influences on United States Foreign Policy. *Kansas.*

Harold Parker, The Commission on Human Rights of the United Nations. *Syracuse.*

Ivan Pluhar, Cohesive and Divisive Forces in Central Europe. *Harvard.*

Nemesio E. Prudente, Admission to Membership in the United Nations as An Instrument of Diplomacy. *Southern California.*

Indira Nalin Rothermund, Gandhi's Impact on India's International Relations. *Pennsylvania.*

Peter N. Rowe, The European Federation Movement: 1919–1933. *Yale.*

Philip Siegelmann, Political and Economic Contributions of the Indians in Burma. *Minnesota.*

Oles M. Smolansky, The Arab States and the U.S.S.R., 1947–1957: A Study of Arab-Soviet Relations. *Columbia.*

William L. Smyser, Nationalism in Cyprus: Enosis, Partition, or Status Quo? *Pennsylvania.*

David W. Tarr, American Power and Diplomacy in the Middle East. *Chicago.*

Seth P. Tillman, Collaboration and Conflict between the United States and the United Kingdom at the Versailles Peace Conference of 1919. *Fletcher School.*

Alden H. Voth, The National Council of Churches' Philosophy of International Relations. *Chicago.*

Benno Wasserman, The Cultural Foundations of International Conflict. *Yale.*

Changes

Charles D. Ameringer, Philippe Bunau-Varilla and the Panama Canal. *Fletcher School.*

Liesl Baum, The Agenda of the United Nations General Assembly. *Columbia.*

Chieh Yue Jesse Chiang, British Colonial Policy in Tanganyika: A Study of Its Development in Relation to Changing Concepts and Needs, to the League of Nations Permanent Mandates Commission, and to the United Nations Trusteeship Council. *Washington* (Seattle).

Miroslav V. Fic, The Origin of the Conflict of the Bolsheviks with the Czechoslovak Legion in 1918. *Columbia.*

Joan Gillespie, The Algerian *Front de Liberation* Nationale: Evolution of a National Rebellion. *Fletcher School.*

William A. Helseth, Turkey and the United States, 1784–1955. *Fletcher School.*

Max Landau, American Enterprise in Mexico: A Case Study of Discrimination in an Underdeveloped Country during a Revolutionary Period. *New York University.*

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M. Morton Auerbach; B.S., Georgetown, 1947; Ph.D., Columbia, 1958. Conservatism and Its Contemporary American Advocates. *Columbia.*

Daniel M. Berman; A.B., Rutgers, 1947; M.A., Wisconsin, 1948; Ph.D., Rutgers, 1957. The Political Philosophy of Hugo L. Black. *Rutgers.*

Lewis G. Bursey; B.A., McGill, 1948; M.A., *ibid.*, 1949; Ph.D., Harvard, 1957. Positivism, Jurisprudence, and Politics: The Legal and Political Theory of Hans Kelsen. *Harvard.*

Morris Davis; A.B., Harvard, 1954; Ph.D., Princeton, 1958. A Study of Descriptive Platonic Politics. *Princeton.*

David M. Earl; A.B., Oberlin, 1933; A.M., Wayne, 1950; Ph.D., Columbia, 1957. Loyalty to Emperor and Nation in the Thinking of the Tokugawa Period. *Columbia.*

Theodore B. Fleming, Jr.; B.A., Indiana, 1939; M.A., *ibid.*, 1940; Ph.D., Yale, 1957. John Stuart Mill's Essay *On Liberty* and Its Critics. *Yale.*

Thomas Flinn; B.A., Minnesota, 1947; Ph.D., *ibid.*, 1957. Governor and Legislature: A Case Study in Political Decision-Making. *Minnesota.*

Stanley T. Gabis; B.S., West Chester Teachers College, 1940; M.A., Chicago, 1947; Ph.D., *ibid.*, 1957. Secrecy in Politics: A Study in Attitudes. *Chicago.*

Alexander L. George; M.A., Chicago, 1941; Ph.D., *ibid.*, 1958. The Intelligence Value of Content Analysis. *Chicago.*

Elisha Greifer; B.S., Harvard, 1946; M.A., *ibid.*, 1953; Ph.D., *ibid.*, 1958. The Varieties of Conservative Thought. *Harvard.*

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Harry A. Holloway; B.A., Washington, 1949; M.Sc., London School of Economics, 1954; Ph.D., Cornell, 1958. T. H. Green and the Liberal Tradition. *Cornell.*

William T. McClure; A.B., Illinois, 1954; M.A., *ibid.*, 1955; Ph.D., *ibid.*, 1958. The Demagogue. *Illinois.*

Maan Madina; B.S., Utah State Agricultural College, 1949; M.A., Chicago, 1949; Ph.D., *ibid.*, 1957. The Classical Doctrine of Consensus in Islam. *Chicago.*

Robert K. Neary; A.B., California, 1947; A.M., *ibid.*, 1950; Ph.D., Southern California, 1958. Some Problems in Contemporary American Liberalism. *Southern California.*

Daniel W. Rossides; A.B., Columbia, 1950; Ph.D., *ibid.*, 1958. The Political Thought of Hugues-Félicité Lamennais: A Study in the Apologetics and Politics of Liberal Catholicism. *Columbia.*

Neal M. Wood; A.B., California (Berkeley), 1951; Ph.D., *ibid.*, 1958. Communism and the British Intellectual. *California* (Berkeley).

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Chadwick F. Alger; A.B., Ursinus, 1949; A.M., Johns Hopkins, 1950; Ph.D., Princeton, 1958. The Role of the Private Expert in the Conduct of American Foreign Affairs. *Princeton.*

Norman Beckman; A.B., Brooklyn, 1949; M.P.A., Syracuse, 1951; Ph.D., Columbia, 1957. Federal-State Relations in Public Health: A Study of the National Services-in-Aid Performed by the Public Health Service. *Columbia.*

Ray W. Bronez; A.B., Chicago, 1940; M.A., *ibid.*, 1948; Ph.D., *ibid.*, 1958. Interest Groups and Public Housing. *Chicago.*

Richard S. Brooks; B.A., Oklahoma, 1949; M.A., *ibid.*, 1952; Ph.D., *ibid.*, 1956. The Sectional and Seniority Basis of the Standing Committee Chairmanships of the United States House of Representatives, 1889–1954. *Oklahoma.*

Frank B. Cliffe, Jr.; A.B., Chicago, 1942; M.A., *ibid.*, 1948; Ph.D., *ibid.*, 1957. Indus-

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Raymond L. Cravens; A.B., Western State College, 1952; M.A., ibid., 1955; Ph.D., Kentucky, 1958. The Constitutional and Political Status of the Non-Contiguous Areas of the United States. *Kentucky.*

Bancroft Henderson; A.B., Oberlin, 1950; Ph.D., Minnesota, 1958. The Democratic National Committee. *Minnesota.*

Robert S. Hirschfield; A.B., Harvard, 1950; A.M., *ibid.*, 1954; Ph.D., New York University, 1958. Crisis Government in America. *New York University.*

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Eva Aronfreed; B.F.A., Pennsylvania, 1933; A.M., *ibid.*, 1947; Ph.D., *ibid.*, 1958. Public Relations as a Function of City Government: A Study of Municipal Public Relations in the City of Philadelphia. *Pennsylvania.*

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Juanita M. Gibson; B.S., Florida, 1945; M.S., *ibid.*, 1948; Ph.D., Michigan, 1958. The Office of Governor in Florida. *Michigan.*

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David A. Bingham; A.B., Concord College, 1953; M.A., Iowa, 1955; Ph.D., *ibid.*, 1957. Iowa Agricultural Inspectional Activities: An Organizational Analysis. *Iowa.*

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Robert A. Kilmarx; B.A., Virginia, 1949; M.A., *ibid.*, 1950; Ph.D., Georgetown, 1958. History of the Soviet Air Force through World War II. *Georgetown.*

Young C. Kim; A.B., Yankton College, 1955; A.M., Vanderbilt, 1956; Ph.D., Pennsylvania, 1958. Disintegration of Political Power. An Analytical Study of the Genesis of the Meiji Restoration. *Pennsylvania.*

Pak Kun; A.B., Seoul National University, 1953. Ph.D., Pennsylvania, 1958. Political Parties in Postwar Japan. *Pennsylvania.*

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George Lenches; Diploma, Debrecen, Hungary, 1941; M.A., Detroit, 1954; Ph.D., Georgetown, 1958. Central Banks and Governments: The Institutional Framework of Monetary Policy Formation in the United States, Great Britain, and France. *Georgetown.*

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Steven Muller; A.B., U.C.L.A., 1948; B. Litt., Oxford, 1951; Ph.D., Cornell, 1958. The Canadian Prime Ministers, 1867–1948: An Essay on Democratic Leadership. *Cornell.*

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Edward B. Richards; B.A., Iowa State Teachers College, 1948; M.A., Iowa, 1953; Ph.D., *ibid.*, 1957. Soviet Control Over International Communism. *Iowa.*

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Stanley Rothman; B.S.S., City College, New York, 1949; A.M., Brown, 1950; Ph.D., Harvard, 1958. Radicalism vs. Reform in British Labour: The Pre-War Decade (1931–39). *Harvard.*

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Frances L. Starner; B.A., Colorado State College, 1946; M.A., California (Los Angeles), 1949; Ph.D., California (Berkeley), 1958. The Agrarian Impact on Philippine Politics. *California* (Berkeley).

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Manoucher Vahdat; B.S., Officers College, 1941; M.A., Indiana, 1954; Ph.D., *ibid.*, 1958. The Soviet Union and the Movement to Establish Autonomy in Iranian Azarbaijan. *Indiana.*

Fred R. von der Mehden; A.B., College of the Pacific, 1948; M.A., Claremont Graduate School, 1950; Ph.D., California (Berkeley), 1957. Islam and the Rise of Nationalism in Indonesia. *California* (Berkeley).

Carl M. Wheeless; B.A., Cornell, 1941; M.A., *ibid.*, 1948; Ph.D., Georgetown, 1957. Turkey's Policy toward Her Minorities, 1922–1952. *Georgetown.*

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Elias Zughaid; B.A., Syracuse, 1947; M.A., *ibid.*, 1954; Ph.D., *ibid.*, 1957. Economic Development in Syria. *Syracuse.*

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Nouri Mahmoud Al-Kadhim; A.B., Colorado State College of Education, 1950; A.M., Colorado, 1952; Ph.D., Southern California, 1958. Diplomatic Privileges and Immunities of International Organizations and Their Personnel. *Southern California.*

Charles Baretski; A.B., Newark, 1945; M.S., (lib. sci.), New York University, 1946; M.A., Notre Dame, 1956; Ph.D., *ibid.*, 1958. American Foreign Relations with East Central Europe, 1823–1867: Hungary and Poland. *Notre Dame.*

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Robert C. North; B.A., Union College, 1936; A.M., Stanford, 1948; Ph.D., *ibid.*, 1957. Moscow and Chinese Communists. *Stanford.*

Bernard Norwood; A.B., Boston University, 1947; A.M., Fletcher School, 1948; Ph.D., *ibid.*, 1957. The "Buy American" Policy: A Study of United States Government Preferential Procurement. *Fletcher School.*

John W. O'Connell; B.S.F.S., Georgetown, 1946; Ph.D., *ibid.*, 1958. Self Preservation of the State: An American View—An Analysis Based on Anglo-American Legal Tradition, Positive International Law, and The Natural Law. *Georgetown.*

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Donald Rothchild; A.B., Kenyon, 1949; M.A., California (Berkeley), 1954; Ph.D., Johns Hopkins, 1958. Federalism in British Tropical Africa: The Struggle for Regional Integration. *Johns Hopkins.*

Barbara J. Shockley; A.B., Oklahoma, 1946; M.S., Utah, 1948; Ph.D., Pennsylvania, 1958. Conventions of the Council of Europe with Special Reference to the Concepts of Nationality and Status: A Documentary History. *Pennsylvania.*

John W. Spanier; B.A., Harvard, 1952; M.A., *ibid.*, 1954; Ph.D. Yale, 1957. Political-Military Strategy in Korea: The Truman-MacArthur Conflict. *Yale.*

George S. Springsteen; A.B., Dartmouth, 1943; A.M., Fletcher School, 1947; M.A.L.D., *ibid.*, 1949; Ph.D., *ibid.*, 1957. The British Navigation Laws: The Influence of Foreign Nations upon Their Modification and Repeal. *Fletcher School.*

Stephen Stamatopulos; A.B., Harvard, 1953; B.Phil., Oxford University, 1955; Ph.D., Harvard, 1957. Woodrow Wilson's Russian Policy: A Case Study of American-Russian Relations, 1913–21. *Harvard.*

Cornelius D. Sullivan; B.A., University of Toronto, 1937; M.A., *ibid.*, 1938; Ph.D., Georgetown, 1958. Prevention of Atomic Surprise Attack. *Georgetown.*

Howard J. Taubenfeld; A.B., Columbia, 1947; LL.B., *ibid.*, 1948; Ph.D., *ibid.*, 1958. Economic Sanctions: An Appraisal and Case Study. *Columbia.*

Robert D. Tomasek; B.A., Grinnell College, 1950; M.A., Michigan, 1955; Ph.D., *ibid.*, 1957. The Political and Economic Implications of Mexican Labor in the United States under the Non Quota Systems, Contract Labor Program, and Wetback Movement. *Michigan.*

Jan F. Triska; J.U.D., Charles University, (Prague), 1948; LL.M., Yale, 1950; J.S.D., *ibid.*, 1952; Ph.D., Harvard, 1957. What Price Cooperation: Totalitarian Regimes and International Organization. *Harvard.*

F. Wesley Walls; B.A., Greenville College (Illinois), 1937; M.A., Washington (Seattle), 1943; Ph.D., *ibid.*, 1958. The Activities of Selected United Nations Specialized Agencies with Particular Reference to Field Projects in Mexico. *Washington* (Seattle).

Harold B. Whiteman; B.A., Yale, 1941; M.A., Vanderbilt, 1950; Ph.D., Yale, 1958. Norman H. Davis and the Functional Approach to Collective Security. *Yale.*

Eric Willenz; B.A., Columbia, 1948; M.A., *ibid.*, 1950; Ph.D., Georgetown, 1958. The American Conduct of the War in Indochina, 1953–1954: A Study of Coalition Warfare Problems. *Georgetown.*

Franklin H. Williams; A.B., California, 1946; A.M., Fletcher School, 1947; Ph.D., *ibid.*, 1958. A Study in British-American International Civil Aviation Relations: The Opening of the Atlantic Airways. *Fletcher School.*

Wah Wong; A.B., University of British Columbia, 1948; A.M., Washington, 1949; Ph.D., New York University, 1958. Burma Malaria: A Case Study of UNICEF Administration. *New York University.*

Takehito Yoshihashi; B.A., California (Los Angeles), 1936; M.A., Harvard, 1943; Ph.D., Yale, 1958. The Background of the Manchurian Crisis: A Study of the Rise of the Japanese Military. *Yale.*

Yien-Cheng Young; B. Com., National Fuh Tan University (China), 1942; M.P.A., Harvard, 1947; Ph.D., New York University, 1958. International Civil Service: Principles and Problems with Particular Reference to the United Nations. *New York University.*

NEWS AND NOTES

PROFESSIONAL CONFERENCES

The Northern California Political Science Association marked its tenth anniversary with a meeting at the San Francisco State College campus April 26th on the general theme "Politics and Technology."

The program, departing from the precedents of a decade, leaned heavily upon men outside of political science. By turning for enlightenment to physical scientists and industrialists, there was a deliberate effort to make the Association members somewhat better aware of the implications which contemporary advances in technology have for political science. The experiment was fruitful.

The program opened with a general session addressed by Melvin Calvin, department of chemistry, University of California (Berkeley) on "Government in Science," and by Albert V. Baez, Department of Physics, Redlands University, on "The Social Responsibility of the Scientist."

At the luncheon meeting William B. Fretter, department of physics, University of California (Berkeley) described the planning for and administration of "The International Geophysical Year." Revealing of the connotations which "politics" has for the physical scientist was his preference not to use the title "The Politics of the IGY."

The afternoon was devoted to two panel discussions before the full membership each followed by questions and general discussion. The first, "Government and Private Industry in Atomic Development," with Peter H. Odegard, University of California (Berkeley) as chairman, had as participants, Howard M. Carlisle, San Francisco Office, U.S. Atomic Energy Commission; Albert Lepawsky, University of California (Berkeley); Hubert R. Marshall, Stanford University; Robert B. Richards, Atomic Power Equipment Department, General Electric Company; and Samuel E. Wood, Pacific Planning and Research Associates. The second, "Politics and Technology in National Defense," with Robert A. Walker, Stanford University as chairman, included Burton R. Brazil, San Jose State College; Karl Falk, Fresno State College; Ernst R. Haas, University of California (Berkeley); S. L. Swagert, San Jose State College; William L. White, Stanford Research Institute.

After an informal cocktail party, members of the Association joined the guests of the CCH meeting for a joint dinner at which Albert R. Hibbs, of the California Institute of Technology's Jet Propulsion Laboratories, read a paper on "Politics and the Exploration of Space."

At its business meeting the Association elected Peter H. Odegard, University of California (Berkeley), vice-president (and president designate); John M. Selig, City College of San Francisco, secretary-treasurer; and as council members, Alexander Smetana, University of San Francisco, Benjamin C. Franklin, Chico State College, and Hubert R. Marshall, Stanford University.

The annual spring meeting of the Kansas Association of Teachers of Government was held at Kansas State College, March 21 and 22, 1958. David Fellman delivered the main address, "Problems of Literary Censorship" at the dinner meeting March 21. The Friday afternoon session was devoted to a panel discussion of "New Approaches to the Study of Comparative Government." Panel participants were Joe Hajda, chairman, John Grumm, John Millett, and Ed Janisch. Harold Sare, Robert Tomasek, Roy Laird, Harold Blostein, and Thayer Carmichael served as discussants. Issues facing the profession of political science—research design, improvement of instruction, and liaison with high school instruction—were discussed Saturday morning. Leaders were Francis Heller, A. David Miller, Walter Sandelius, and James Drury.

The 1957–58 annual meeting of the New England Political Science Association was held on May 4 and 5 at Brown University. The featured speaker was Merle Fainsod of Harvard who gave an analysis of Russian social classes and the possibility of change in the Soviet system.

Two panel discussions were held. Lucian W. Pye of Massachusetts Institute of Technology chaired the panel on "Government and Science" and Paul Hammond of Yale, Lewis Mainzer of the University of Massachusetts and Robert Wood of M.I.T. participated.

Herbert Marcuse of Brandeis University was chairman of the panel on "Recent De-

velopments in Marxist Theory," Alexander Ehrlich of Columbia University spoke on economic theory, Adam Ulam of Harvard University on political theory and Robert Cohen of Boston University on science. George Fischer of Brandeis acted as discussant.

At the business meeting the following officers were elected for the coming year: James W. Fesler, Yale, president; Gwendolen M. Carter, Smith, Vice-President; Vernon L. Ferwerda, Trinity, secretary-treasurer. Samuel H. Beer, Harvard; Robert B. Dishman, New Hampshire; and William J. Lucey, S. J., Holy Cross, were elected to the executive committee.

The annual meeting of the Pennsylvania Political Science and Public Administration Association was held April 18–19. The panels included a discussion of "The Political Process in Pennsylvania" with Charles Gilbert, Swarthmore College discussing "The Teaching of Politics in Pennsylvania Colleges" and William J. Keefe of Chatham College discussing "Political Research in Pennsylvania." Henry Wells of the University of Pennsylvania, Luke T. Lee of Pennsylvania State University and Joseph J. Zasloff, University of Pittsburgh read papers under the general panel topic "New Developments in Comparative Government."

The eleventh annual meeting of the Pacific Northwest Political Science Association was held at Montana State University, Missoula Montana, May 2–3, 1958. The meeting was addressed by Peter H. Odegard, University of California (Berkeley) who spoke on "A Group Basis of Politics: A New Name for an Ancient Myth," Paul L. Beckett, Washington State College whose presidential address was entitled "Ad Astra Per Aspera: Meditations on the Ecology of Technical Assistance Work Abroad" and by the Honorable William J. Jameson, United States District Judge who spoke on "Current Problems affecting the Judicial Branch of the Government."

The sixteenth annual meeting of the Midwest Conference of Political Scientists met April 24–26, 1958 at the University of Michigan. Addresses were given by John M. Blum on "The Presidential Leadership of Theodore Roosevelt," by V. O. Key on "Emerging Problems of the Profession," and by G. D. H. Cole who spoke on "The Political Situation in Great Britain." General topics dealt with in the various panels included "Rural-Urban Factionalism in the Midwestern States," "Recent Internal Political and Economic Developments in Soviet Policy," "Game Theory and its Relation to Political Theory," "Problems of United States Foreign Policy," "Reassessing the Council-Manager Form of Government," "The Supreme Court as Policy Maker," "The Problem of Legislative-Executive Relationships in the Formulation and Control of Foreign Policy in Post World War II Europe," "The Nature of Community in a Democratic Society," The States and Metropolitan Areas," and "Curbing the Supreme Court."

The Round Table of the International Institute of Administrative Sciences, held in Liège, Belgium, 27 June–3 July, 1958, attracted over 200 participants from 44 countries and eight international agencies. At the opening plenary session, Mr. René Cassin, of the Council of State of France, former president of IIAS, and member of the Commission on Human Rights of U.N. commemorated the Tenth Anniversary of the Universal Declaration of Human Rights, stressing its importance for the public servant in achieving his goals and the prime contribution of the public servant toward its realization.

The participants from U.S.A. included: Charles Aikin, University of California; Charles S. Ascher, Institute of Public Administration (who served as chairman of delegation in the absence of Paul M. Herzog); David S. Brown, George Washington University; Milton Chernin, University of California; Michael J. Flack, University of Pittsburgh; William S. Flash, American University at Beirut; Irving Goldner, Fulbright fellow at IIAS; Lowell Hattery, American University; William F. Larsen, N.Y.U.; Frederick C. Mosher, University of California; Orin F. Nolting, ICMA; John Russell, ICA; Edgar L. Shor, Indiana University, Stephen B. Sweeney, University of Pennsylvania; Edward W. Weidner and Frederick R. Wickert, Michigan State University.

OTHER ACTIVITIES

A definitive documentary history of the ratification of the Constitution and of the Bill of Rights, a counterpart of Max Farrand's classic, *Records of the Federal Convention of 1787*, moved from the realm of aspiration to the start of active preparation during the summer. Robert E. Cushman, past president of the Association and lately retired Goldwin Smith Professor of Government at Cornell University, has been named editor of the five-year, eight-volume, 6000-page project. The Ford Foundation has contributed $125,000 to support it. The task is the principal one of fifteen historical documentation projects—the others consisting of collections of the papers of notable figures from Benjamin Franklin to Franklin Roosevelt—undertaken by or under the auspices of the Archives and Records Service, now a division of the General Services Administration.

The documentary history will bring together all available source materials—the debates in state conventions, newspaper reports, pamphlets and pertinent personal papers—bearing on the successive steps in the ratification process, and its attendant controversies and the subsequent proposal and ratification of the First Ten Amendments.

The project was announced in June at a ceremony dignified by the presence of Chief Justice Warren, six associate justices of the Supreme Court and Speaker Rayburn of the House of Representatives, and attended also by over a hundred historians and other scholars. Chief Justice Warren emphasized the prospective value of the compilation to the Court in its work. Members of the Association will find a special gratification in the choice of the editor and, in due course, in his work.

The John Hay Whitney Foundation announces the Opportunity Fellowships for 1959–60. These fellowships are open to citizens of the United States who have given evidence of special ability and who have not had full opportunity to develop their talents because of arbitrary barriers such as racial or cultural background or region of residence. Candidates should have completed their undergraduate education and be between the ages of 22 and 35. Further information can be attained by writing to the John Hay Whitney Foundation, 630 Fifth Avenue, New York 20, N. Y.

Unique Fulbright fellowships are available in the field of comparative housing and planning at the Technological University at Delft and the International Federation for Housing and Town Planning, The Hague, in comparative local government at the International Union of Local Authorities, The Hague and in comparative public administration at the International Institute of Administrative Sciences, Brussels. All three fellowships are for predoctoral study. Applications should be made to David Wodlinger, Institute of International Education, 1 E. 67 St., New York 21, N. Y.

The national AFL-CIO has established a speakers' bureau for college and university functions. It hopes to facilitate the appearance of trade union officials on campuses. The bureau intends to make speakers available for seminars, forums and any type of meeting that would appear to be educationally desirable. Academic officials wanting union speakers should write to Tilford E. Dudley, AFL-CIO Department of Public Relations, 815-16th St. N. W., Washington 6, D. C.

A bureau of government research at Arizona State College, Tempe, was established effective July 1. Appointed as director is Ross R. Rice, associate professor of political science. Assisting in bureau activities will be David A. Bingham.

The Conference Group for Central European History, organized in New York on December 28, 1957, has appointed a standing Committee for the Study of the Problems of the Habsburg Monarchy. Working in cooperation with similar groups in Austria and elsewhere, this Committee is to encourage study in Austrian history in the United States. The members of the Committee are: Hans Kohn (Chairman), Friedrich Engel-Janosi, Robert A. Kann, Arthur J. May, S. Harrison Thomson, and R. John Rath (Secretary). Inquiries about this Committee should be sent to the Secretary: R. John Rath, Department of History, University of Texas, Austin 12, Texas.

Dillon Anderson and Morehead Patterson have been elected trustees of The Brookings Institution.

Totton J. Anderson, chairman of the department of political science at the University of Southern California, served as visiting professor of government at the University of Hawaii during the past summer session.

George Belknap of the University of California at Berkeley and John H. Bunzel of Stanford University have received a 2-year grant from the Trade Union Project of the Fund for the Republic.

Leonard Binder of U.C.L.A. has received a Social Science Research Council grant for study in Iran. He presented a paper on "The Study of Middle Eastern Religious Groups" at a meeting held under the auspices of the Comparative Politics Committee of the Social Science Research Council at Endicott House, Dedham, May 4–6.

John C. Bollens who is serving as executive director of the Metropolitan Community Studies, Inc., Dayton, while on leave from the University of California, Los Angeles, has been appointed to a committee of consultants that will participate in planning a series of six television films on metropolitan area developments. The films, which will be financed by grants from the Buhl Foundation of Pittsburgh and the Educational Television and Radio Center in Ann Arbor, will be used by television stations and educational institutions concerned with metropolitan problems. On May 25th Dr. Bollens delivered the keynote address of the three-day Indiana Governor's Conference on Urban Area Problems.

Franklin L. Burdette, professor and director of the bureau of governmental research, University of Maryland, has been elected president of the Maryland chapter of the American Society for Public Administration.

James B. Christoph of Ohio State University gave five lectures on aspects of American government for the Hansard Society in London during May and June.

James S. Coleman of the University of California (Los Angeles) was a participant in the 13th session of the American Assembly at Arden House, May 1–4. He contributed a paper on "The Character and Viability of African Political Systems."

John M. DeGrove, assistant professor of political science at the University of Florida had a grant for the summer session, 1958 from the Inter-University Case Study Program and from Resources for the Future.

Alfred Diamant is on leave from the University of Florida for the academic year 1958–59 spending the year as visiting associate professor at Yale University.

Cortez A. M. Ewing, research professor of government at the University of Oklahoma was visiting professor at the University of Hawaii during the summer session.

Victor C. Ferkiss of Saint Mary's College, California, will be on leave during 1958–59 doing research in political philosophy under a Rockefeller grant.

Russell H. Fifield, professor of political science at the University of Michigan, has received leave to serve on the civilian staff of the National War College in Washington, D. C. during the academic year 1958–59. After completing his work there, he will do field research in the Philippines under a Guggenheim Fellowship during the summer of 1959.

Edwin Fogelman, assistant professor of government at the University of Oklahoma has been awarded a Rockefeller grant and is spending the year doing research at Harvard.

Robert F. Fuquay of Oregon State College was visiting assistant professor at the University of Florida for the summer session 1958.

Esson M. Gale is continuing as visiting professor of comparative government and adviser to the Asiatic Research Center at Korea University under the Department of State's educational exchange program.

Ralph M. Goldman was a member of the Air Force Behavioral Science Conference at the University of New Mexico during the summer, 1958

Frederick H. Hartmann, professor of political science at the University of Florida will be on half time for the calendar year 1959 working under a Rockefeller grant.

Roger Hilsman has been awarded a Rockefeller Foundation grant to enable him to un-

dertake a study of various aspects of the foreign process. To pursue the study, he will take leave from his position as deputy director of the Legislative Reference Service, Library of Congress, for two periods, three months in the summer of 1958 and six months in the fall of 1959. The grant will be administered by the Washington Center of Foreign Policy Research, of which he has been appointed research associate.

Abraham Holtzman of North Carolina State College was a faculty fellow in the Institute of Social Gerontology held at the University of Connecticut during the month of August.

The faculty of Florida State University selected Dr. Marian Irish, Heard of the department of political science at Florida State University as Distinguished Professor of the Year.

Frank H. Jonas of the University of Utah, upon the invitation of the German Federal Republic, participated in a four weeks study tour of Germany during the summer. The tour was part of the German Exchange Program in recognition of the many thousands of Germans the United States has brought to this country.

William Keefe has been granted a leave of absence from his position as chairman of the department of political science at Chatham College to assume the position of associate director of the Citizenship Clearing House.

Samuel Krislov of the University of Oklahoma attended the summer conference on the judicial process under a grant from the Social Science Research Council.

Roscoe C. Martin of Syracuse gave a series of special lectures and seminars at the University of California (Los Angeles, April 16–May 10.

Daniel S. McHargue, associate professor of political science at the University of Michigan has been awarded a Fulbright grant to teach at the Institute of Administrative Sciences of the University of Bologna for the academic year 1958–59.

Frank Munk, Reed College, has been granted a leave of absence for the academic year 1958–59 to accept an appointment as advisor to the European director of Radio Free Europe on Intellectual Cooperation, with headquarters in Munich, Germany.

Former Congressman Charles P. Nelson of Augusta, Maine, has a special grant for teaching at the University of Florida for the academic year 1958–59.

Benjamin Nimer of Washington and Jefferson college has received a Rockefeller grant and a supplementary grant from Washington and Jefferson to spend a year's leave of absence at Columbia where he will be attached to the Institute of War and Peace Studies as research associate working in the field of political philosophy.

George A. Peek, Jr., associate professor of political science at the University of Michigan, served as chairman of a committee directing a special summer session program on Religion in Contemporary Society.

Keith S. Peterson of the University of Arkansas is the recipient of the 1958–59 fellowship for the study of international organizations granted by the World Affairs Center for the United States and financed by the Rockefeller Foundation.

Robert J. Pitchell, on leave from Purdue University and serving as resident director of the Indiana Commission on State Tax and Financing Policy, received the annual award of the Western Political Science Association for the best piece of writing on politics published or unpublished in the eleven western states from which the Association's membership is drawn.

Kurt L. Shell, assistant professor of political science at Harpur College of the State University of New York, has been awarded a Fulbright lectureship in political science at the Paedagogische Hochschule in Berlin for the academic year 1958–59.

J. David Singer, presently visiting fellow at the Laboratory of Social Relations at Harvard University, has been appointed visiting assistant professor of political science at the University of Michigan.

Wesley A. St. John, associate professor of political science at Hamline University has

been granted a leave of absence for the 1958–59 academic year and has received an appointment as visiting professor of public administration at the University of Thammasat in Bangkok, Thailand. He will serve on the staff of Indiana University which has a contract with the University of Thammasat through the International Cooperation Administration.

Arthur E. Sutherland, Bussey Professor of Law at the Harvard Law School, will give two courses on American Constitutional Law at Mount Holyoke College during the year 1958–1959 as part-time visiting professor of political science. These courses are normally given by Professor Donald G. Morgan who will be on sabbatical leave of absence for the year, working at Harvard and in Washington under grants from the Social Science Research Council and the American Philosophical Society.

Douglas Verney of the University of Liverpool will be visiting associate professor of comparative government at the University of Florida for the academic year 1958–59.

John Wood of the University of Oklahoma has been granted a leave of absence to accept a visiting professorship at the University of Connecticut.

Michigan State University has received a grant of $53,000 from the Falk Foundation to expand its Falk Graduate Fellowship Program into an American Politics Graduate Training Program.

At its biennial convention in Atlantic City in April, 1958 the League of Women Voters in a skit on "The Men in Our Lives" cited George B. Galloway as the political scientist who had been "most helpful" to the League down through the years.

In an effort to assess the impact of technology on society a group of interested scholars have joined to form the Society for the History of Technology. A quarterly journal *Technology and Culture* devoted to the study of the development of technology and its relations with society and culture will be published. Interested individuals should contact Professor Melvin Kranzberg, Room 315, Main Building, Case Institute of Technology, Cleveland 6, Ohio.

Five professors in the Associated Colleges at Claremont have participated in an intensive summer-long study of the growing crisis in California local finance, under a grant from the Haynes Foundation of Los Angeles. John Vieg, Pomona College was the political scientist participating in the project, the first cooperative, inter-disciplinary investigation sponsored by the newly organized Claremont Social Research Center.

Applications for the National Committee Faculty Fellowships arranged in cooperation with the Democratic and Republican National Committees must be submitted no later than October 31, 1958. Application forms may be obtained by qualified candidates from the director, Citizenship Clearing House, 40 Washington Square South, New York 12, N. Y.

The Department of the Army has made arrangements in its Office of the Chief of Military History (OCMH) in Washington for qualified private scholars to work by appointment as associates in military history. An appointment as associate carries no stipend but places at the temporary disposal of the appointee facilities for research, discussion, and study comparable to those of the Army's historians. Prior to appointment the applicant must obtain a personal security clearance at a level that will permit access to documents and records required to support his study. Appointments will normally be for not more than a year, or for less than six months. The number of associates, which will not exceed four at any one time, will be limited by the capacity of the office at the time to provide effectively the facilities and assistance offered.

The Associates appointed will be furnished office space, will have access to reference materials, within the limites of their security clearance, and will receive advice and guidance regarding necessary information. Each Associate will also be assigned a sponsor, on the staff of the Office, who will provide him with professional advice on his study. Associates will be invited to take part in seminars and other exercises related to their interest, but will not be called on to perform duties for the Office, except such as they may voluntarily assume. The Office of the Chief of Military History will not assume responsibility for the contents of the writings of an Associate or make any commitments regarding the clear-

ance of their writings for publication. Applications should be addressed to the Chief of Military History, Department of the Army, Washington 25, D. C.

Old copies of this publication are wanted by foreign scholars. If you do not regularly file or pass your copies on after reading them, Magazines for Friendship, a non-profit organization, will provide you with selected names of foreign scholars, teachers, universities and libraries eager to receive learned U. S. publications, even old ones. For complete details, please send a stamped, self-addressed envelope to Magazines for Friendship, Occidental College, Los Angeles 41, California.

APPOINTMENTS AND STAFF CHANGES

Gilbert Abcarian, formerly with the University of Tulsa, has been appointed assistant professor of political science at Humboldt State College, Arcata, California.

John W. Baker, formerly of Humboldt State College, has been appointed professor and chairman of the department of political science at The College of Wooster.

William Bauman, formerly of Texas Tech, has been appointed assistant professor of political science at Humboldt State College Arcata, California.

David A. Bingham has been promoted to the rank of assistant professor of political science at Arizona State College, Tempe.

Virgil C. Blum, S. J. has been promoted to the rank of associate professor in the department of political science at Marquette University.

Henry L. Bretton has been promoted to associate professor of political science at the University of Michigan.

Josephine M. Brown, formerly assistant professor of political science at Queens College has been appointed associate professor of history and government at Mount Mary College, Milwaukee, Wisconsin. Dr. Brown has also been admitted to the Wisconsin Bar.

Paul P. Brown has been appointed a member of the department of political science at Illinois Wesleyan University.

Robert O. Byrd, chairman of the department of political science, Illinois Wesleyan University has accepted a position at North Park College, Chicago. Part of his responsibility will the setting up of a full political science program.

Rondal G. Downing has been appointed instructor of political science at the University of Florida.

Eugene P. Dvorin, bureau of governmental research, U.C.L.A., has been appointed assistant professor of government at Los Angeles State College.

Heinz Eulau of Antioch College has been appointed professor of political science at Stanford University. During the past year, Professor Eulau has been a fellow at the center for advanced study in the behavioral sciences.

Charles D. Farris has been appointed associate professor of political science at the University of Florida.

Alan Fiellin, candidate for a doctorate at New York University has been appointed to the department of political science at Dartmouth College.

Walter Filley, formerly of Wesleyan University, has been appointed associate professor of political science at Harpur College of the State University of New York.

Charles B. Fortenberry, acting dean of the graduate school at the University of Mississippi has been appointed chairman of the department of political science.

Manuel R. Garcia-More has been promoted to the rank of professor of law at the University of Detroit.

Betty Glad, candidate for the Ph.D. degree in political sceince at the University of Chi-

cago, has been appointed instructor in political science at Mount Holyoke College.

Elliot R. Goodman has been appointed assistant professor of political science at Brown University.

George A. Graham, a member of the Princeton faculty since 1930 has been appointed director of governmental studies for The Brookings Institution.

Wallace B. Graves, associate professor of political science, DePauw University, will occupy the newly established chair of constitutional government at Texas Wesleyan College.

Richard Gray, formerly assistant professor of political science at Post College, Long Island University, has been appointed assistant professor at Florida State University.

Jerzy Hauptmann, associate professor of political science at Park College has been promoted to professor of political science. Professor Hauptmann is both chairman of the department of political science and of the division of social sciences.

H. Field Haviland, resigned from Haverford College effective June 30, 1958 to become a member of the senior staff at The Brookings Institution.

Richard H. Heindel, vice-chancellor at The University of Buffalo became president of Wagner College, Staten Island on September 1. Dr. Heindel has also received an appointment from the Secretary of State to the United States Commission for UNESCO.

Bancroft C. Henderson has been promoted to assistant professor of political science at the University of Houston.

Heinz R. Hink, formerly of the University of Washington (Seattle), has accepted an appointment as assistant professor of political science at Arizona State College, Tempe.

Robert Hirschfield, who received his Ph.D. from New York University in June, has been appointed instructor in political science at Hunter College.

H. B. Howerton, chairman of the department of political science at the University of Mississippi since 1932 has resigned as chairman. He will remain with the department as professor of political science.

James R. Jensen has been promoted to associate professor of political science at the University of Houston. He will continue as director of the public affairs research center.

John H. Kautsky has been promoted to associate professor of political science at Washington University. He will be on leave in 1958–59 under a grant from the Rockefeller Foundation to be a research fellow at Harvard.

John H. Kessel, who received the Ph.D. degree from Columbia University in June, 1958, has been appointed an instructor in the political science department at Amherst College.

Chonghan Kim of the department of political science at Marquette University has been promoted to the rank of assistant professor.

Karl A. Lamb, who recently received his Ph.D. from Oxford University, has been appointed instructor in political science at the University of Michigan.

George A. Lanyi has been promoted to a professorship at Oberlin College.

Franklin H. Littell, director of Franz Lieber Haus in Bad Godesberg bein Bonn where he was responsible for a staff and program furthering political science and civic education, has resigned to return to the United States as professor of church history in the Candler School of Theology, Emory University.

Gerard J. Mangone has been promoted to the rank of professor in the Maxwell graduate school of citizenship and public affairs at Syracuse University.

Richard V. Montag formerly of Mount-St. Joseph-On-the-Ohio has joined the staff of Saint Mary's College, California.

A. Glenn Mower Jr. has been appointed acting chairman of the department of political science at Illinois Wesleyan University.

Joseph L. Nogee, formerly of Yale University, has been appointed assistant professor of political science at the University of Houston.

Julius Paul has been promoted to associate professor in the department of government at Southern Illinois University. He has been awarded a grant-in-aid by the American Philosophical Society.

Mojmir Povolny of the committee on international relations of the University of Chicago has been appointed assistant professor of government at Lawrence College.

Paul F. Power will be teaching in the political science department at St. Michael's College, Vermont.

Ruth B. Russell has been appointed a member of the senior staff of The Brookings Institution.

Rhoten A. Smith, associate professor of political science at the University of Kansas, has been named national director of the Citizenship Clearing House, an independent educational corporation with headquarters at the New York University Law Center, effective July 1, it was announced by Dr. E. E. Schattschneider, chairman of the organization's board of trustees. Dr. Smith will succeed George H. Williams, professor of law at NYU, and also will become professor of politics at NYU under a joint appointment by the University's Graduate School of Arts and Science and School of Law.

Fred A. Sondermann has been promoted to associate professor of political science at The Colorado College.

Harold W. Stoke, dean of the graduate school of arts and science at New York University has been appointed president of Queens College, New York.

David Tarr, Ph.D. candidate in political science at the University of Chicago, has been appointed instructor in political science jointly by Mount Holyoke and Amherst colleges.

Eric Waldman has been promoted to the rank of associate professor and named director of the department of political science at Marquette University during the academic year 1958–1959.

Robert A. Walker has been appointed executive head of the department of political science at Stanford University. He will continue to serve as chairman of the general studies committee which is in charge of the university-wide phases of the undergraduate program.

Robert E. Ward has been promoted to the rank of full professor of political science at the University of Michigan.

Edwin W. Webber has accepted an appointment as assistant professor in the department of government at the College of William and Mary.

Aaron Wildavsky of Yale University has been appointed to an instructorship at Oberlin College.

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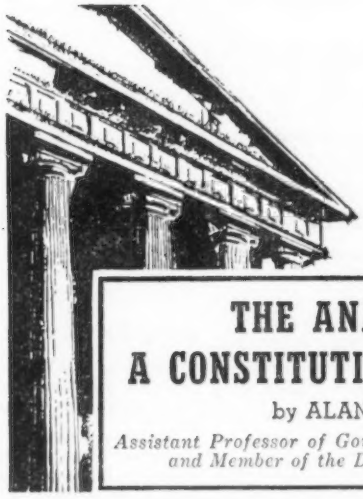

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